

shall was born and raised, and the post's Marshall Hall is named in his memory. The Uniontown Bypass is a modern highway providing quick and safe access to the entire Uniontown area and will play an important role in the economic development of the area.

General Marshall was one of America's great statesmen, and Uniontown residents are especially pleased to honor the General in this small but appropriate manner.

LEGISLATION INTRODUCED TO INCORPORATE GOLD STAR WIVES OF AMERICA

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. FORSYTHE. Mr. Speaker, I recently introduced legislation to incorporate the Gold Star Wives of America.

This national organization was established in 1945 by the widows of members of the Armed Forces who died while in active service of their country.

A growing, active organization, it now has more than 2,000 energetic members located in every part of the Nation.

The Gold Star Wives, Mr. Speaker, have been seeking incorporation in the form of a Federal charter for many years. Because the House Judiciary Committee has refused to act on such legislation in the past, I decided in 1973 to seek a District of Columbia incorporation so the Judiciary Committee could be bypassed.

However, because the leadership of the organization strongly believes they should have a full Federal charter, I am sponsoring this legislation, which undoubtedly will be referred to the House Judiciary Committee.

Within the committee, however, there prevails an entirely new atmosphere surrounding Federal legislation to incorporate organizations. I believe the time is right for the highly respectable Gold Star Wives of America to be federally incorporated.

I know of no other group more deserving of national incorporation. Its membership is composed of women who have experienced the great anguish of losing their husbands through active duty in the Armed Forces of our Nation.

Their objectives are both praiseworthy and significant; what more valuable contribution to society can be made than to bolster the fortitude and uplift the spirits, as well as to aid materially, the widows and children of those who paid the supreme sacrifice in the interest of their fellow citizens?

The Gold Star Wives of America has a role to play that is nationwide in scope and worthy of national recognition. The organization has similar noteworthy accomplishments to those made by our veterans' and adjunct organizations which have been granted national charters. In addition, for several years Gold Star Wives of America has been participating actively in the Annual Women's Forum on National Security, which is

composed of 16 organizations which have received Federal charters.

I have been informed by the officers of this organization that its goals could be more effectively and easily attained if it were incorporated at the national level. The scope of its membership and business now transcends any one State or group of States. Its declared purposes and activities extend to the widows and children of servicemen killed who live in every section of the country, and the number of chapters doubled in a short time, as hundreds of new widows turned to Gold Star Wives of America for assistance with their financial and emotional problems. Its officers and board members reside in such scattered States as Massachusetts, Washington, California, Colorado, Kansas, Minnesota, Virginia, Missouri, Louisiana, Kentucky, New Jersey, Illinois, Arkansas, Florida, and Indiana. In every sense of the term and in all aspects of its operations this is truly a national organization dedicated to significant national purposes.

The Gold Star Wives of America has repeatedly been hindered and prevented from giving assistance to the young widows who desperately need the help that could have been available to them through this organization, solely because of their lack of a Federal charter. Efforts to make the Gold Star Wives of America known through survivor assistance officers at military installations have been refused on the basis that the organization is not recognized as a reputable organization, while in other instances, contacts at military bases have resulted in inquiries to the Department of Defense as to the reliability of Gold Star Wives of America. Officials of the Veterans' Administration, I am advised, have suggested that a Federal charter should be priority legislation for Gold Star Wives of America, as a means of establishing the status and integrity of this relatively young organization. The organization could thus acquire the respect and stature which come only to those organizations who are so recognized by the Congress.

Mr. Speaker, I have carefully examined the criteria set forth in 1969 in the Standards for the Granting of Federal Charters by subcommittees of the Senate and House Committees on the Judiciary. In every aspect it appears to me that the Gold Star Wives of America, Inc., more than measures up to those required standards. It is clearly a national permanent organization operating in the public interest; the character of this organization is such that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation; it is solely a patriotic, nonprofit, nonpartisan organization devoted to civic and membership betterment; and it aspires to provide nationwide services which cannot be adequately organized without a nationally granted charter.

The objects and purposes of the Gold Star Wives of America are most commendable. In addition to honoring the memory of loved ones who paid the supreme sacrifice while serving in the Armed Forces of the United States, it is committed to assisting their widows and

children, both materially and spiritually. One of its stated goals, for example, is to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country. Another aim is to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage. Direct aid to the widows and children of former servicemen is likewise an obligation which this organization has assumed. I am pleased to note also that the Gold Star Wives of America have dedicated themselves to the noble cause of safeguarding and transmitting to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died. They have likewise pledged themselves to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation. In all these respects this organization deserves the treatment which Congress has previously accorded other similar national groups.

Mr. Speaker, our colleague in the Senate, Senator BAYH of Indiana, introduced similar legislation in the other body on June 24, 1975. I strongly urge the prompt consideration be given to the adoption of these bills for incorporation of the Gold Star Wives of America in order that the organization can have the national stature and corporate structure so essential to implement achievement of its very desirable purposes.

NORTH CAROLINA DAY CARE ASSOCIATION

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. PREYER. Mr. Speaker, I would like to share with my colleagues a position statement from the North Carolina Day Care Association regarding child care delivery systems. I share the concern of the Association about the Federal Inter-Agency Day Care Requirements—FIDCR's—of 1968 now incorporated into Federal law through the enactment of the Social Security Amendments of 1974.

One of the primary differences between the Federal requirements and most State licensing requirements are those requirements which call for more staff and space. These differences can make a dramatic difference in the cost of providing this care. Congress has mandated a study of the impact of the FIDCR's and I offer this statement for your consideration as this matter is further studied by the Congress:

NORTH CAROLINA DAY CARE ASSOCIATION—
POSITION STATEMENT ON CHILD CARE DELIVERY SYSTEMS REVISION: ADOPTED AUGUST 7, 1975

The NCDCA promotes these premises as vital to child care in our state and nation:
1. The child is the responsibility of the parent(s). The community has the responsibility for providing services to help in the

development of every child to his fullest potential. The community also has the responsibility for providing information to assist parents in the selection of these services.

2. Quality child care service should be available in every community to every child whose family needs and wants them. Child care services should be diverse enough to meet the varied needs of different children in different families and allow the parents choice in what program best fits their child's needs.

3. On the basis of need, public funds should be used to enable the parent(s) to exercise their responsibility and right to purchase child care. All barriers to the flow of public funds should be removed so that all existing child care programs, both public and private, are being utilized and government operated programs are initiated only when services cannot be provided under private auspices.

S. 622: "ENERGY FLIM FLAM"

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. GRADISON. Mr. Speaker, I am shocked that the Congress of the United States would play games with an issue as important as our national energy policy.

In an area where there is an urgent need for comprehensive, foresighted legislation to meet our future energy needs, the Congress has chosen the politically easy way out, rolling back oil prices until after the next election then allowing them to rise until controls are lifted. This legislation is politics at its most cynical.

The energy bill we are considering today makes a serious mistake in treating the American people as "economic illiterates," to quote an apt phrase from the Cincinnati Post. Supporters of the bill would have us believe that this is a consumer bill. Nothing could be further from the truth.

S. 622 ignores the damage that a temporary price rollback would cause at this time. A rollback would encourage consumption precisely at a time we are trying to reduce gasoline usage. It will increase imports precisely when we are seeking to reduce our dependence on foreign sources. It will discourage domestic production when we wish to become energy independent.

Finally, it will create legislated shortages and long lines at the gas stations. Passage of this bill will put the United States at the mercy of the OPEC nations through their ability to set the market price of oil.

Congress needs to pursue long range policies which will encourage domestic exploration and development of our energy supplies. I will continue to support gradual elimination of price controls on oil together with a windfall profits tax. This tax is necessary to assure that additional revenues are plowed back into continued energy research and development rather than used to further enrich the oil companies.

Mr. Speaker, it is time we stopped playing "politics as usual" in Congress and got down to the tough decisions needed

on pressing issues. I believe the American people will no longer stand for this kind of politically-motivated policymaking, in which Congressmen look out for themselves first and the Nation second.

As an indication of the failure of Congress to fool the American people on this issue, I am including copies of two editorials from Cincinnati papers, the Cincinnati Post and the Cincinnati Enquirer.

[From the Cincinnati Enquirer, Nov. 13, 1975]

A SELF-DEFEATING LAW

It is the very kind of program to "benefit" the American consumer that has put us in bondage to the Organization of Petroleum Exporting Countries (OPEC) and that the Congress has just adopted in trying to legislate lower petroleum prices.

From the early 1950s on, it was the conscious policy of the federal government, both Congress and the executive, to increase prosperity by holding down the cost of gasoline, jet fuel, heating oil and natural gas.

Prosperity is a much-desired and worthy goal, but the national energy policy was shortsighted and self-defeating in the long run.

We have given the 13 member nations of OPEC the power to set the price of crude oil, and with that the steadily rising price of refined petroleum products. We have done so by deliberately making ourselves dependent on this source of energy, and discouraging both domestic production of it and economic use of it by holding the price down. The chasm between the needs of the nation and the price-consumption policy of the federal government is most strikingly and painfully clear in the shortage of natural gas.

By seeking to decree that the price of a barrel of domestically produced petroleum shall be only about two-third of that of imported oil over the next few years, the Congress is hurting the national economy and undercutting the very prosperity it seeks to promote.

At the legislated price of petroleum the Congress would have, Americans are going to use ever more OPEC petroleum.

They will do so because mixing domestic and foreign crude oil together in price lowers the net price by about a fourth. That assumes the present ratio of about 40% imported oil to 60% domestic oil. The lower price encourages consumption without, however, generating an equal increase in supply.

The Congress fails to legislate greater supplies because it controls neither the decisions of the OPEC nations on the price at which they will be willing to sell their oil nor the decisions of the American petroleum industry on production here at home.

The Congress can, of course, influence those decisions. The influence in this piece of legislation is negative. It discourages domestic production by the artificially low ceiling price set on our own petroleum and by allowing the petroleum industry to pass through to the consumer the costs of imported oil. There is no short-term profit loss to the industry from the legislation, although there is a long-term profit gain that it would be forced to forgo.

This is a bad piece of legislation. It deserves to be vetoed by President Ford.

[From the Cincinnati Post, Nov. 19, 1975]

ENERGY FLIMFLAM

With its eye fixed firmly on the 1976 election, Congress has decided on an energy bill that is good politics and bad national policy.

And what may be worse, President Ford, who knows better, is reported by his aides to be leaning toward signing Congress' handiwork.

The measure treats Americans like economic illiterates, believing that they will be

so grateful for temporarily cheaper gasoline that they will overlook long-term damage to the country.

If Ford swallows the bill, it would promptly roll back the average price of a barrel of domestic crude oil by 12 per cent, from the present level of \$8.75 to \$7.66.

That is designed to cut the price of gasoline by 3.5 cents a gallon. Under its complicated provisions, the bill would keep gas prices down until the election is safely past. Then they would start rising and would be 3.5 cents above today's prices when price controls expire in 40 months.

The plan is an ingenious one to allow congressmen to posture as champions of the consumer and promote the re-election of as many as possible. But it would be harmful in at least three major ways.

By artificially lowering gasoline prices, it would encourage consumption when conservation should be the watchword.

By cutting the oil industry's income, which is already slipping, it would cause a drop in exploration and a faster decline in domestic oil production.

As a result of using more fuel and producing less, this country would have to import more high-priced foreign oil, now 40 per cent of overall consumption.

Inevitably we would become more dependent on the pricing and supply whims of the OPEC cartel and more vulnerable to another embargo.

Apart from its basic flaws, the measure contains a number of useful provisions. These include requiring Detroit to produce more fuel-efficient cars; setting energy standards for household appliances building up an oil reserve to protect against an embargo, and helping small coal operators to increase output.

Such steps toward a sensible energy policy show that Congress can do better on the oil-price issue—if President Ford vetoes its flimflam and demands an honest bill.

ANGOLA IS OUR NEW VIETNAM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. BADILLO. Mr. Speaker, Sunday, the New York Times' story on the worsening situation in Angola stated:

When the United States finally evacuated Saigon in defeat, a national debate on American policy seemed imminent. It never really occurred. . . . Now the same subject seems to have returned, called Angola: American and Russian power and influence colliding in distant places that are in, as Mr. Kennedy said, a small world.

And what has changed since the end of our involvement in Vietnam? Apparently not much. CIA Director Colby tells us that his interpretation of the War Powers Act does not preclude "paramilitary operation." And so, Henry Kissinger and William Colby have consulted, and, now the \$25 million of the taxpayer's money has been spent covertly, we are asked to believe that this is another involvement in the American interest.

The parallels with Vietnam must be drawn and reinforced. We have been told that the Communists have put much more money and arms into Angola than we have and so we have to "catch up." Yet in doing so we have aligned ourselves with South Africa—a country whose poli-

cies we loudly proclaim as being repugnant to us. As in Vietnam, we proclaim the right of the people to determine their own future, and yet we have allied ourselves with factions in Angola that are so weak that they are almost certainly doomed to failure.

And yet we persist. Despite the fact that we may lose close allies like Zaïre and Zambia, despite the fact that Africa-watchers have been advising against our involvement for many months, and most of all, despite the War Powers Act, the Secretary of State has once again chosen the imperial route of unilateral action in the formulation of our foreign policy. It is my fervent hope that before the Congress recesses, we will assert our role as an equal partner in the policy-making process, and inform the administration just how antithetical our continued involvement in the affairs of another country is to the Congress.

The following articles from yesterday's and today's New York Times clearly define the situation in Angola, and the folly of our role:

NO QUESTIONS, PLEASE
(By Anthony Lewis)

Boston, December 14.—In the last six months the Ford Administration has secretly supplied \$25 million in arms and money to factions it favors in Angola. The President has just approved another \$25 million. American pilots are flying five American artillery spotter planes in and out of Angola from neighboring Zaïre.

The Angola operation is already one of the largest covert actions ever mounted by the United States outside Indochina, and it raises large questions of policy. Does the Angolan faction we oppose, which gets aid from the Soviet Union and Cuba, threaten American interests? Is there any realistic chance of defeating it, or is the prospect an endless struggle without success? And more.

But there is a fundamental question of process before those of policy. If American action is needed, why should it be clandestine? Why has our policy on so dangerous a problem been made and executed in secret? The answer given is that U.S. aid might embarrass the recipients if sent openly. American motives are suspect in Africa these days, in part because of leftist bias but also because of the record of American activities in the Congo, Chile and elsewhere.

But an operation as large as that in Angola could hardly be expected to remain secret for long, so that answer is less than persuasive. In any event, the Angola action has now been disclosed in considerable detail—by unnamed sources who sound very much like the C.I.A. Continuing to handle the policy covertly is not likely to avoid embarrassment.

The Angolan affair, in fact, makes clear what must often be the real reason that officials choose the covert path. It is more convenient. It allows policy to be made by a handful of men who know best. It avoids annoying questions by Congress, the public and experts within the executive branch.

After Vietnam, an open decision to intervene in an armed struggle thousands of miles from the United States and outside our traditional sphere of interest would surely have aroused some questions. There is no need for conjecture. Seymour M. Hersh of The New York Times has disclosed that there was governmental opposition to the Angolan policy—and that it was suppressed.

Secretary of State Kissinger made the decision for military aid against the advice of his own Assistant Secretary for African Affairs, Nathaniel Davis. Mr. Davis felt so

strongly about it that he quit the job last August. Since then Mr. Kissinger has cut down the flow of cables on Angola to the department's African specialists and even to the Bureau of Intelligence and Research, which also opposed his decision.

Mr. Davis is said to have seen three main dangers in the growing U.S. involvement in Angola. The factions we favor are so weak that the policy probably will not work. A prolonged struggle ending in failure would deeply damage the two African figures on whom we most rely, Presidents Kaunda of Zambia and Mobutu of Zaïre. And the United States may become identified with white South Africa.

Those arguments look rather convincing today, after a direct South African military intervention in Angola and after the decline in the fortunes of the Angolan groups favored by the Ford Administration. But right or wrong, the arguments should have been heard—heard by someone other than Henry Kissinger.

Under the American system, secret decisions by one official or a few are wrong in principle. They also tend to be wrong in practice. Whatever good we can imagine covert operations doing, what they actually did is evident enough in the major examples: Vietnam, Laos, Cuba.

Henry Kissinger's record makes it particularly unwise to leave policy on Angola largely in his hands. A National Security Council memorandum drafted under his direction in 1970 predicted continued Portuguese power in Angola, and thereafter some help was given to Portugal in its colonial war. This absurd episode is described by Tad Szulc in the current issue of Foreign Policy.

But the point is much larger than the specifics of Angola. Our attitude toward that affair will really indicate whether we have learned from Vietnam and Watergate and the rest how much harm we do to ourselves by secrecy—by letting a handful of officials make policy without public examination of the premises.

The worst danger of covert action on such a scale is that it may commit the United States to a position and make extrication awkward. That may indeed be the intention. The time to stop the process is now. Senator Dick Clark of Iowa has a foreign aid bill amendment that would bar any Angolan aid unless Congress has authorized it. That proposal takes no position on the rights or wrongs in Angola. It would simply make sure that the country has a constitutional opportunity to look out for quagmires before taking this large step.

THE MINI-VIETNAM IN ANGOLA
(By C. L. Sulzberger)

WINDHOEK, SOUTH-WEST AFRICA.—The Angolan mess bears some resemblance to Vietnam, if on a smaller scale. The civil war started among rival nationalists after the principle of independence had been gained and foreigners intervened to suit their global interests. But, unlike Vietnam, no great-power intruder came from regions near the chosen battlefield.

The external forces involved aren't strangers to the game. The United States has at various times exerted tangible influence to attain policy goals in Zaïre (formerly the Belgian Congo). The Soviet Union has invested much in unproductive attempts to control Zaïre, Sudan and Egypt, and in areas where success was achieved, notably Somalia. China has been involved in Africa for well over a decade, sending money, engineers and military experts to various lands including Zaïre, Tanzania and Mozambique.

Everyone has used one or another form of mercenaries: unemployed professional soldiers or military units from smaller ideological allies. Thus, Russia has been employing commando troops from its little client, Cuba,

on African assignments since the 1960's. North Korean officers are on a training mission in Zaïre.

All these factors play a role in the civil war that has engulfed Angola, just north of South-West Africa (controlled by Pretoria). Three principal guerrilla groups are fighting each other to gain ascendancy and an odd mixture of foreign nations are directly involved.

The Popular Movement for the Liberation of Angola, headed by Agostinho Neto, which seems at present to have an upper hand, is heavily backed by the Soviet Union. There is evidence that Soviet advisers are helping Neto in Luanda, his capital, and that Moscow has sent him an extensive inventory of arms.

Standing loyally with Russia is Fidel Castro, who has dispatched between three and five thousand Cuban regulars to spearhead M.P.L.A. attacks. The Cubans are the only large non-African combat force in Angola. Several hundred of them are combat veterans of the independence struggle in Guinea-Bissau.

The two anti-M.P.L.A. guerrilla forces, UNITA (National Union for the Total Independence of Angola), and F.N.L.A. (Front for the National Liberation of Angola), have joined in uneasy alliance. UNITA is led by Jonas Savimbi and F.N.L.A. by Holden Roberto, brother-in-law of Zaïre's President Mobutu. This coalition is at present supported by Communist China, the United States, Zaïre and South Africa.

The United States uneasily opposes the threat of a Soviet-dominated Angola that would provide Russia with naval and air bases and a strong-point aimed at the enormous mineral wealth of Southern Africa and Zaïre. Even if Moscow proves unable to control these resources, it would be in a position to deny them to others with its strong navy.

Washington is well aware of this danger and the Soviet threat to move into the South Atlantic as it has in the Indian Ocean, but it is leery of direct involvement because of its Vietnam experience. China has less of a complex.

Last June Mr. Roberto boasted: "All my troops have been trained by the Chinese." Whether Chinese instructors are still with F.N.L.A. cannot be proved and some reports claim Peking is diminishing its role. But China is concerned with its third-world relations and is extra-susceptible to copper-producing states, from Chile to Zambia and Zaïre, where Roberto's brother-in-law is boss.

South Africa, for its part, fears Soviet efforts to spread revolutionary propaganda in South-West Africa and also through the African National Council in the republic itself. Small South African forces have been stationed twenty miles inside southern Angola with instructions to engage in hot pursuit, if necessary, 200 miles northward. There are South African advisers and armor farther north and its troops apparently control Sar da Bandeira airfield south of Huambo.

It is still early to forecast how the Angolan contest will end. So far the Soviet Union has shown great resolve but, in the past, its staying power in West Africa has not been impressive. China, on the other hand, has been courting the black states for years and its ideological practices have considerable appeal. But African nations have not been notable for tying themselves inexorably to any ideological creed.

The outcome in Angola—and its eventual implications—may be affected by any United States determination to step up its role or even by the import of further mercenaries by one or another competing group. Well-trained professional soldiers with good weapons have shown they can have considerable effect on African battlefields.

The Black Companies now being led around Angola by Cuban ideologues or white officer hirelings are every bit as important as the

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CONGRESSIONAL RECORD—Extensions of Remarks December 16, 1975

White Companies of unemployed English knights who settled arguments between Italian city-states following the Hundred Years War. But this time the ultimate strategic repercussions might echo on a global scale.

COMMUNISM AND THE WAR IN ANGOLA

(By George M. Houser)

The conflict of opposing political movements for control of an independent Angola is rapidly escalating into an international confrontation reminiscent of Vietnam, and United States spokesmen are grossly distorting the real issues involved.

Secretary of State Henry A. Kissinger has pointed an accusing finger at the Soviet Union and Cuba for intervening in Angola. Characteristically, United Nations Ambassador Daniel P. Moynihan went further when he said that Soviet involvement in Angola was a first step in the colonizing of the whole continent. But little is said about reported United States military aid sent to Angola.

American spokesmen are simplistically portraying the Angolan conflict as "Communism" versus "anti-Communism." The Popular Movement for the Liberation of Angola (M.P.L.A.), whose government at Luanda has been recognized by sixteen African states (33 countries in all), is constantly described as "Marxist," "Soviet-backed" or just "Communist." The National Front for the Liberation of Angola (F.N.L.A.) and the National Union for the Total Independence of Angola (UNITA) are called "anti-Communist."

Before any portion of the American people respond to any call for Vietnam veterans to join the fight against Communism in Angola, several important factors should be considered. What about the Communism of the M.P.L.A.?

I have been in touch with the leaders of this movement for many years, most recently last March when I was in Angola, where I met with members of all three political movements. They make no secret of a basically socialist orientation in their design for Angola.

In a continent where there is little private accumulation of capital, socialism of one sort or another is an accepted norm. Capitalism is a reality in most of Africa only through the interests of foreign corporations and enterprises. So organizing a society along socialist lines is to be expected.

Such a form of social organization should not automatically end United States willingness to maintain friendly relations. And indeed the United States has recently agreed to diplomatic relations with Guinea-Bissau and Mozambique, countries in which the political parties (African Parties for the Independence of Guinea and Cape Verde and the Front for the Liberation of Mozambique) have programs very similar to that of the M.P.L.A.

In fact, all three had been joined in an alliance against Portuguese colonialism for more than fifteen years. Why then does the United States treat the M.P.L.A. differently?

The issue is portrayed as Soviet influence and control in Angola. Soviet support of the M.P.L.A. is not new. It goes back to the beginning of the armed conflict in Angola in 1961. Scandinavian countries gave support to the M.P.L.A., too. The M.P.L.A. would have been glad to take help from wherever it was offered—even from the United States.

Where was the United States during the years of struggle? It was firmly welded into an alliance with Portugal and had a policy of avoiding contact with the liberation movements in Portuguese colonies.

The United States limited its "support" to high-sounding statements on the right to self-determination. The M.P.L.A. has little reason to be grateful to the United States. M.P.L.A. support from the Soviet Union does not mean Soviet control in Angola. It has not meant this in Mozambique, Guinea-Bissau, or Cape Verde.

Some Americans may find this difficult to understand in view of our widespread biases against the Soviet Union and Communism. But these political movements, after long years of combat against the Portuguese, will not easily accept domination by a new foreign power. It is a gross and demeaning distortion of reality to present the men and women of M.P.L.A. as Soviet puppets. And certainly the Cubans are not taking over Angola.

There is a second distortion involved in official United States interpretation of events in Angola. Spokesmen have said virtually nothing about United States involvement in Angola. Covert United States support for the F.N.L.A. and UNITA was admitted in testimony before the Senate Foreign Relations Committee on Nov. 6 by William E. Colby, the Director of Central Intelligence, and Joseph J. Sisco, Under Secretary of State for Political Affairs.

The New York Times reported Friday that, according to a high-ranking Government official, the United States had sent \$25 million in arms and support funds to Angola over the last three months and planned to send \$25 million more in supplies. The official said that the first sum had been distributed by the Central Intelligence Agency.

This aid has gone principally through the Government of Zaïre, which since 1962 has been the mainstay of the F.N.L.A., the most conservative of the Angolan parties.

Major publications here and abroad have reported that United States transports have been flying daily from Zaïre into F.N.L.A. military centers in northern Angola, such as Ambriz, with guns, ammunition and gas.

For Mr. Kissinger and other United States leaders to point the finger at the Soviet Union and make no mention of United States involvement in the conflict in Angola is hypocritical.

United States spokesmen have made no mention of South Africa's growing intervention in Angola. Presumably the involvement of this white-supremacist state is an embarrassment the United States would prefer to ignore. But this involvement is an important development in the Angolan conflict, with far-reaching repercussions. It was the incursion of South African troops that has led Nigeria's "moderate" Government—even in United States Government eyes—to recognize the M.P.L.A. government in Luanda.

There can be no doubt about the growing South African intervention. When I was in Zambia in early November, I was told by high Zambian officials that at that time South African troops and some dissident Portuguese mercenaries from Angola and Mozambique had already occupied a strip fifty miles deep across southern Angola.

South African columns have penetrated hundreds of miles into the interior, with many casualties reported and at least one reconnaissance plane shot down.

An immediate objective of South Africa is to use the Angolan fighting as a smoke-screen behind which it can eliminate the forces of S.W.A.P.O. (Southwest African People's Organization, the main liberation movement of Namibia) from northern Namibia and southern Angola.

Namibia—South Africa calls it South-West Africa—is the territory occupied by South Africa in defiance of United Nations decisions that even the United States has supported.

South Africa sees the Angolan conflict as the real beginning of the war for its own survival as a white-dominated state in southern Africa. For years South Africa has been attempting to build itself into the Western alliance on the back of the anti-Communist cause. Now South Africa is calling for the Western alliance to stop a "take-over" in Angola.

The current United States position, supporting the most conservative internal An-

golan elements, is directly abetting South African strategy. It is not helping the Angolans preserve their independence but making them victims of the most reactionary force in Africa. It would be a tragedy for the United States to repeat the errors of Vietnam because it looks upon the Angolan conflict as an occasion for another anti-Communist crusade.

"INTEGRITY IN THE BUSINESS LANDSCAPE," AN ARTICLE BY STANLEY MARCUS

HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. BRADEMAs. Mr. Speaker, one of the most thoughtful and public spirited business leaders in the United States is Mr. Stanley Marcus, chairman of Neiman-Marcus of Dallas, Tex.

I believe that every Member of the House of Representatives and Senate will read with great interest the following article by Mr. Marcus, "Integrity in the Business Landscape," published in the New York Times of December 15, 1975.

The article, which follows, was excerpted from an address Mr. Marcus delivered in Omaha, Neb.:

INTEGRITY IN THE BUSINESS LANDSCAPE

(By Stanley Marcus)

There is a massive loss of faith in the business community by the American people—and perhaps a loss of faith on the part of businessmen as well.

Let's not kid ourselves into believing that the negative attitude toward business is merely part of an "anti-Establishment" mood throughout the nation. It is a lot more specific than that—and a lot more justified than that.

Americans still believe in the free-enterprise system. They have no quarrel with profit-making. But they do have a quarrel with unethical and questionable business practices conducted at the public expense.

They do have a quarrel with companies which pollute our water and air and are apparently indifferent to the hazards of pollution until the Government intervenes.

They do have a quarrel with that majority of businessmen who have fought and obstructed and delayed every piece of progressive legislation enacted during this century.

Who among the business community today would seriously propose that Congress repeal our child-labor laws—or the Sherman Antitrust Act? The Federal Reserve Act, the Securities Exchange Act? Or workman's compensation? Or Social Security? Or minimum wage? Or Medicare? Or civil rights legislation?

All of us today recognize that such legislation is an integral part of our system; that it has made us a stronger, more prosperous nation—and, in the long run, has been good for business. But we can take precious little credit for any of the social legislation now on the books, for business vigorously opposed most of this legislation.

I wonder sometimes if we really believe in the free-enterprise system. When those who have the greatest stake in it often turn out to be its greatest enemies, I wonder if free enterprise can survive.

Can it survive when some of its greatest proponents seem determined to strangle the life force of the system—competition—with

though exports are vital and must be maintained, the American consumer must never again be forced to subsidize foreign sales.

Access to American grain supplies must instead be assured on a basis consistent with maintaining reasonable food prices at home. That objective can be accomplished by establishing an export policy in place of the stop and go non-policies of the Republican Administration—non-policies which rob consumers, farmers and our trading partners alike. The policy I advocate would set minimum and maximum quantities for all major foreign buyers, so that fluctuations in demands will be smoother by requiring importing nations to accumulate stocks in times of high world production. Our Government's approval would be needed for a country to buy more—or less—than the agreed amounts. To assure adequate domestic supplies, the United States would announce to the world its domestic requirements, as well as its commitment to foreign customers and less developed countries. We would make it clear that those supply requirements would be met by whatever management devices are required.

As an essential element of our export policy, the United States should take the lead in creating with other exporting and importing nations an international reserve program for grains—as called for by the World Food Conference. Such a reserve would serve not only the interests of the participating countries but also our moral obligation to the hungry.

These policies would not displace the free enterprise system. Rather, they would put that system to work for people by taking the shocks out of supermarket purchases and farm sales. But we must recognize that the system will not work if farmers and consumers are pitted against each other in a struggle which can end only in losses for both. The compact between farmers and consumers which I propose guarantees neither group everything it might wish. As in any partnership, there are risks to be shared and hard choices to be made. The accommodation of conflicting interests which I propose means some give and take by all. The reserve system puts a ceiling on the prices consumers must pay in bad crop years, just as it sets a floor under the prices farmers will get in surplus crop years. I believe American farmers and consumers will accept this.

To cement the new alliance between farmers and consumers, we must also focus attention on those trends in equipment manufacturing, food processing and agricultural marketing that work against the interests of producers and families alike. When, according to the Federal Trade Commission, supermarkets enjoy a 16% return on investment, when monopoly in the manufacture of farm machinery costs farmers a quarter of a billion dollars each year, when monopolistic meatpacking robs consumers of a half a billion dollars annually, when bread prices rise nearly 17% at the same time flour prices fall 25%, and when shoppers continue to be misled by labeling and advertising that distorts the truth about nutrition, it doesn't take an expert to conclude that manufacturers and middlemen need to be brought into line—and fast. It's not enough to talk about vigorous antitrust enforcement in litigation that will take years and may consume millions of dollars. In food, as in fuel and medical care—and in every industry that is vital to daily survival—legislation is needed that would shift the burden of proof against those wielding concentrated or irresponsible economic power. Wherever those interests fail to justify their structures and practices to fair-minded men and women, they must be broken up or subjected to whatever controls are needed to create prices people can afford, under marketing principles people can accept.

What all of this adds up to is a specific instance of that principle I described on the day I announced my candidacy: Above all, what this nation and the world need is a commitment to a common existence—a sharing of benefits and burdens in a community of interest between groups that cannot succeed or even survive unless they come to perceive their mutuality of concern and learn to act in creative concert rather than divisive competition.

We have long talked about turning our swords into plowshares. But the truth is: We have yet to make the most of the plowshares already available. When the world's most resourceful farmer, working the world's richest soil with the world's most advanced agricultural technology are manipulated by politics, subordinated to middlemen, and pitted against both consumer needs and the realities of hunger and malnutrition, we can be sure the fault lies not with those who produce our food but with those whom we have elected to high office. It is time to bring new vision and new leadership to the farm and food policies of America. That is my pledge in this campaign; it will be the commitment of my presidency.

A LETTER FROM THE HEART

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1975

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I was quite pleased last week to notice that a letter to the editor had been published in the Bradford, Pa. Era which was written by Mrs. Sarah Smith. Mrs. Smith is a resident of East Smethport, Pa., which is located in my 23rd Congressional District. Mrs. Smith calls on the people of the United States to pray for our Nation during these troubled times, and also comments on the belief that prayer and Bible reading should be allowed in the public schools. I would like to share Mrs. Smith's warm letter from the heart with my colleagues. The letter is as follows:

OTHER VOICES

Dear Sir: While reading The Era Saturday, Nov. 22, I read where President Ford picked certain Bible verses to be read for eight days beginning Nov. 23 through Nov. 30. Being a Christian I know this is a good idea, not only for the eight days mentioned, but all year round. This great country of ours can stand a lot of Bible reading and prayers.

As I stated in an editorial last spring about prayers and Bible reading being out of our schools, that's when some of our young people started a life of crime. Many children never hear the word of God, only when it's used as a swear word. In the Era Nov. 15 our Congressman, A. W. Johnson, (in whose home here in Smethport I work as part-time housemaid and caretaker), had an article about putting prayers back in our schools. After working in their home over twenty years and the many talks we have had about this, I really know he means it, but one man cannot do it alone. Our whole nation must stand for the cause.

As we read in the passages from the Bible given by President Ford, let us also read and remember—

2 Chronicles, 7:14—"If my people which are called by my name shall humble themselves and pray, and seek my face, and turn from their wicked ways, then I will hear from heaven and forgive their sin and will heal their land."

We all know our country needs a lot of

healing. We also know that our country was founded for religious rights and it seems that even this is being taken away from us. So as we stand on the threshold of our 200-year celebration next year, let everyone of God's people pray for our nation. It can still be a nation to be proud of.

So let's all of us that are called by His name and those who wish to be called by His name humble themselves and pray. I know our God will hear and answer. This may not get printed before Thanksgiving day, but it is for all the year round. Those that claim to love the Lord, please pray without ceasing for our country.

Mrs. SARAH SMITH.

ENERGY CONFERENCE REPORT

SPEECH OF

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 1975

Mr. PREYER. Mr. Speaker, I am pleased by that part of the text recommended by the conference report to accompany S. 622 which adds a new section 11 to the Emergency Petroleum Allocation Act of 1973 and which deals with the regulation which the 1973 act mandated the President to issue under section 4(a). The new section 11 will require the President to "promulgate, pursuant to the limitations and authority under section 12, such amendment, or amendments, to the regulation promulgated under section 4(a) as he determines are necessary or appropriate—first, to modify any provisions of such regulation in a manner which is consistent with the attainment, to the maximum extent practicable, of objectives specified in section 4(b)(1); or second, to eliminate any provisions of such regulation no longer necessary to provide for the attainment of such objectives." Presidential action would follow a hearing procedure which would allow interested parties to comment on the operation of the existing regulation.

My interest in this section results from my concern that the existing regulation works to stifle competition although the law, and the clear congressional intent, requires FEA to "restore and foster competition."

The relevant section, section 4(b)(1) of the 1973 act, says that the regulation shall provide for—

(D) preservation to an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers; (emphasis added).

However, one section of the regulation now in effect, section 211.63, does precisely the opposite, and would appear to lock in a monopoly of wholesale marketers while keeping out new competitors. Until recently—November 24—this regulation said:

All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program. . . .

Thus, the regulation requires producers to continue sales to the same marketers with whom they were doing business on December 1, 1973, and prohibits new crude oil marketers from purchases which would disturb these relationships. No provision is made by which new crude oil marketing companies may obtain supply sources. Competition is denied.

The effect of this is to freeze in, protect and perpetuate a monopoly. Data filed by one of these companies with the SEC reveals an enlargement of profits under the challenged regulation which resulted in those profits jumping from \$19 million in 1973 to \$59 million in 1974. Per barrel profits had a corresponding increase.

The U.S. District Court for the western district of Texas, San Antonio Division, in a decision October 6, 1975, captioned *Basin, Inc. v. Federal Energy Administration*, Civil Action No. 75-CA 250, issued a preliminary injunction against FEA. It ruled:

There is a substantial question as to whether section 211.68 of the regulations, insofar as it denies plaintiff as a crude oil marketing company the right to purchase crude oil and makes no provision for allocation of supply purchased by the crude oil marketing industry on a fair and equitable basis among the members of that industry is in compliance with the Congressional mandate of the Emergency Petroleum Allocation Act of 1973 to restore, foster, and preserve competition in all segments of the petroleum industry. . . .

The court found that as a result "the plaintiff will in all likelihood be forced to discontinue its business." Clearly free enterprise competition was not being served by the regulation in the court's mind and an independent business was threatened by the enforcement of a regulation which this Congress did not anticipate in its 1973 act and which is contrary to the intent of the Congress in encouraging competition.

The FEA appealed that decision and amended its regulations.

On the eve of the argument in the Court of Appeals, after months in which FEA acknowledged inequity in the existing regulation, the new regulation was published. The announcement identified the purpose of the new regulation as "to allow for the new entry into the business of marketing crude oil"—conceding the inequity the court had already found. However, the new language then negated the impact it should have afforded by requiring as a condition to the establishment of a new supplier-purchaser relationship that the new wholesale marketer obtain from the refiner "their written consent to the proposed supplier substitution." Commonsense tells us that few refiners, if any, would want to consent to the substitution. He already has a relationship with the entrenched large operator who is protected by the FEA regulations and the refiner would not imperil that arrangement by telling the marketer to stop selling to the refiner, move over and give up part of the business to the little competitor. All the competition the 1973 law envisioned is undone by a telephone call between the parties to the existing relationship. It would appear that the new regulation

might become an invitation to collusion and clearly violates the spirit of the statutory mandate for competition.

The joint explanatory statement of the conference committee on the bill which became the Emergency Petroleum Allocation Act of 1973, said of section 4(b):

It is imperative that the Federal Government now accept its responsibility to intervene in this marketplace to preserve competition and to assure an equitable distribution of critically short supplies. Toward this end, the conference substitute requires the President to promptly implement a mandatory allocation program which must be drafted so as to accomplish Congressionally defined objectives. These are set out principally in section 4(b) of the conference substitute. Very generally stated they establish guidelines for the priority uses of fuels covered by this Act and set forth standards of action concerning the competitive structure of the industry and general economic policy to be followed in the establishment of the fuel allocation program. (Italics added.)

The history of the efforts of smaller, independent marketers to engage in the kind of competition mandated by the 1973 law is best told in the San Antonio decision. The FEA regulation does not foster competition; it stifles it. The new regulation offers no real change.

The new section 11 is the best hope we presently have for a real change. It is our best hope for the kind of competition the Congress intended in 1973 and which it must reaffirm today.

U.S. SECRET INVOLVEMENT IN ANGOLA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1975

Mr. YOUNG of Georgia. Mr. Speaker, as we now witness the agony of civil strife in the newly independent African state of Angola, we are more each day made aware of the covert role our Nation is playing in this tragedy. This dangerous course, embarked upon by the executive branch of government in the spring, is being challenged in the Congress and by public interest groups increasingly across our Nation as an inappropriate response to southern Africa events.

John Marks, author of the article inserted below, represents this growing position of advocacy. Currently, he is an associate of the Center for National Security Studies in Washington and is coauthor of the book, "The CIA and the Cult of Intelligence." He has served as an executive assistant to Senator Clifford Case of New Jersey and also as an assistant to the director of the State department of intelligence, Mr. Ray Cline.

I have recently returned from a visit to Zambia where in conversations with liberation groups based in that country and with President Kenneth Kaunda and Foreign Minister Rupiah Banda much of John Marks' analysis was confirmed through their observations.

I believe, Mr. Speaker, that it is crucial that the Congress act now to cut off the

flow of U.S. funding to various factions in Angola and that all U.S. military involvement in the way of armaments and supplies be immediately discontinued. The Congress must have the courage to stipulate that outside intervention on the part of South Africa and the military escalation supported by the Soviet Union, Cuba and above all the United States must cease and that an African initiated political solution ought to be a priority.

Angola, after years of struggle to liberate itself from the cruel power of Portuguese colonialism, should not have to suffer a more devastating period of external power partitioning. Angola, after 500 years of imperial domination, should and must be left alone to coordinate its own prospects of nationhood.

There is no basis, Mr. Speaker, for the United States to wield its vast power within the confines of the fragile new State of Angola. To continue along the path of covert or overt intervention there will be a monstrous mistake for our national destiny and peoplehood. I urge every one of my colleagues to read the article below and then to act decisively to change this course of American history:

THE SECRET WAR IN ANGOLA

(By John Marks)

The United States is today deeply involved in a war in Angola. Like the Vietnamese and Laotian conflicts in their early years, the Angolan war is—as far as the public and most of the Congress are concerned—a secret war, run by the CIA. But as was true in Indochina, the President himself has been making the key decisions. In fact, at about the same time last spring that the Indochina war was finally ending and the administration seemed determined to show its toughness (*à la Mayaguez*), President Ford personally authorized the CIA to provide covert money and arms to two African independence groups in Angola.

The Soviet Union, Cuba, and other countries have steadily increased their aid to a third Angolan liberation group in recent months, and the administration has reacted by escalating the CIA programs. A well-placed government source reports that the CIA is now spending "in the tens of millions of dollars" on the Angolan war. According to the source, U.S. Air Force C-141 transport jets, flying in behalf of the CIA are regularly landing at the airport in Kinshasa, Zaïre (the former Congo, bordering on Angola), and disgorging tons of military supplies, including machine guns, light artillery, and ammunition; these supplies are in turn being flown into Angola by small planes.

According to another government source, Henry Kissinger pushed hard last spring for the CIA intervention. "Henry wanted to be told why we should intervene," says the source, "not why not." Many within the government, including Nathaniel Davis, then the State Department's highest official for African affairs, were opposed, but Kissinger carried the bureaucratic struggle, first at a meeting of the supersecret 40 Committee and then, ultimately, when the President gave his approval or—as the policy-makers say—"signed off on" the secret war.

The President's moment of truth, the source believes, came last spring when he endorsed the decision of the 40 Committee (chaired by Kissinger) to give several hundred thousand dollars in covert "black bag" funds to Jonas Savimbi, head of UNITA, the independence group based in southern Angola. The immediate question, in the source's words, was whether or not "to put Savimbi in the game, to have the CIA give him some

ch'ps." The Agency was already providing a modest level of secret assistance to another faction, the FNLA in the north, but the source states that Kissinger and Ford were clearly aware that adding UNITA to the American payroll would signal a major escalation, indeed a commitment declaring that the United States was not about to allow the third independence group, the MPLA, to control Angola.

Angola, which was granted independence by Portugal on November 11, is a rich, fertile country, twice the size of Texas, blessed with abundant supplies of oil, iron ore, atomic minerals, and diamonds. State Department officials deny that the American interest there is economic, although the number two man in the Defense Department has told a congressional committee that American policy is tied to "resources we will need in the future." The administration claims that its principal concern in Angola is to show the Soviets that they cannot make advance in Africa through the victory of the group they (and many other countries) support, the MPLA.

Unfortunately, the conflict inside Angola does not easily reduce itself to an ideological struggle, a conflict between communist and capitalists. All three of the independence groups have come out in favor of some form of African socialism, and each has a strong tribal base. The MPLA is unquestionably to the left of the other two groups, but then the MPLA has also been able to work out a relatively smooth working relationship with Gulf Oil, which continues to operate extremely productive wells in the northern enclaves of Cabinda. Moreover, independence groups with similar views to the MPLA have taken over in Mozambique and Guinea-Bissau, without any apparent damage to American interests.

Henry Kissinger stated on September 23, "We are most alarmed at the interference of extra-continental powers [in Angola] who do not wish Africa well, and whose involvement is inconsistent with the promise of true independence." He was presumably talking about the Soviet Union and not the United States. In any case, with both powers currently stepping up their involvement, the stage has been set in Angola for a classic cold war confrontation. The result, so far, according to a well-placed State Department official, has been "a mutual ante-raising, an inconclusive situation, and a hell of a lot dead Angolans."

The great power conflict in Angola is further complicated by the fact that a lot of other foreign countries are involved. A government source reports that the British have joined with the United States (and South Africa) in aiding UNITA. French assistance is going to the FNLA through Zaire. Zaire itself is helping both UNITA and the FNLA, and in fact, a key element in the American decision to intervene was the fervent urging of Zaire's President Mobutu, who is the United States' most important client in Africa. The Chinese had been giving military aid and training to the FNLA, but they have now backed off as the US role has increased. Portuguese mercenaries are serving with UNITA and the FNLA, and two government officials report that another factor in the US intervention was a desire to counter leftist forces in Portugal who support the MPLA. Support for the MPLA has arrived from Cuba and from newly independent Mozambique. Still other countries are doing what they can for the faction of their choice. All three independence groups have foreigners fighting with them.

If this all seems horribly complicated, it is. There is some thought in Washington that the administration believes it can get away with waging secret war in Angola because the public will not be able to understand what the initials stand for or who is on what side.

But the country with the largest direct involvement in Angola is currently white-supremacist South Africa. South African troops entered Angola in late October, according to communications intercepts picked up by US intelligence, and there are now two separate mechanized South African units, with a strength between 1000 and 1500 men each, operating inside the country. Additionally, a separate armored column of about 1500 Africans and 500 white mercenaries—equipped in South Africa and staging from South African bases—has in the last month been steadily advancing through southern Angola and seizing key positions from the MPLA, ostensibly in behalf of UNITA and the FNLA which have joined together in a shaky alliance.

A State Department policy-maker, while acknowledging that the South Africans were supporting the same groups as the United States, says rather defensively, "The South African operations are not in concert with us. We did not initiate them. Whatever they're doing is strictly on their own."

There may well not be any overt [but, of course, covert] US-South African cooperation in Angola, as there was in the Congo (now Zaire) during the early 1960's when South African intelligence worked together with the CIA to recruit mercenary forces fighting in an earlier CIA secret war. The CIA may not even be taking advantage of what three government sources describe as the "close" liaison relationship which the CIA has maintained for many years with South African intelligence. But even if the CIA has been able to resist joint planning with its South African counterparts, there is no way the United States is going to avoid, as one official says, "being tainted with the South African brush." For all effects and purposes, the official believes, the South Africans are "our faithful allies," backing the same two Angolan clients. As the secret war proceeds, the official believes that the United States is building up an increasing debt to the South Africans, who "are not at all adverse to calling in their markers." Indeed, South Africa already has asked the United States and other western countries to increase their aid to South African-supported forces in Angola.

Because invading columns must maintain radio communication with their own headquarters, supply bases, and supporting aircraft, American policy-makers have been able to keep track of the South African advances inside Angola by having the National Security Agency (NSA) monitor their radio channels. Similar techniques have been used to produce data on increased Soviet and Cuban activity, and the administration has not hesitated to selectively leak this highly classified information to the press. Thus, the New York Times reported on November 21 that 3000 Cuban "fighting men and advisers" have been sent to Angola "in recent weeks" to support the MPLA. No mention was made in the article of the South African forces that had already invaded the country a month before, although the "United States officials" who provided the story presumably had access to the intelligence proving the South African presence. The Times article does state (in the 13th paragraph) that "an undisclosed number of South African military advisors" were with UNITA's forces in the south.

Although CIA money and other support has been going to UNITA since last spring, the Agency has seemed content to largely leave the southern front to the South Africans while the CIA's major effort has been in the north in behalf of Holden Roberto's FNLA. According to five different CIA, White House, and State Department sources, Roberto has been secretly on the CIA payroll since 1962.

A former White House aide recalls that during the Johnson administration, American policy toward the Portuguese colonies was "to play all ends against the middle."

By this, he explains, the US government provided the Salazar dictatorship with a modest degree of military and political support; took a public stance in favor of non-violent change in the colonies; and secretly subsidized (but never with enough support to turn the tide) independence groups committed to armed revolution against Portugal.

The official says that the CIA had the "habit of picking out single individuals and making them our guys, somehow assuming they would turn out all right. It was mainly a cash-in-the-envelope kind of thing—conscience money to show American good intentions." In Mozambique, the source notes, the CIA's man was Eduardo Mondlane (the FRELIMO leader who was assassinated a few years ago), and in Angola it was Holden Roberto.

Roberto's FNLA operated out of bases in Zaire—as it still does—and much of the CIA's assistance to Roberto flowed through the CIA's surrogate, Zaire's Mobutu. In 1969, according to the official, the Nixon administration decided to end the CIA's "program aid" to the independence groups, as part of a larger Nixonian policy to ease up American pressure against white-minority rule in southern Africa. The CIA did, however, retain a connection with Roberto, according to three State Department aides, paying him as an intelligence source. Therefore, when the Ford administration decided last spring to become actively—if covertly—involved in Angola, it was a relatively simple matter, as one official describes it, "to turn Roberto back on."

In fact, Roberto was never really turned off, since in the 1969-1975 period, his brother-in-law Mobutu supplied him with large amounts of weapons and other aid. That aid came at least indirectly from Mobutu's most important foreign benefactor, the United States. Mobutu told a visiting US congressional delegation this summer that he expects to be reimbursed for all the assistance he has given to Roberto. Knowledgeable Capitol Hill aides believe that the pay back has come in the form of the administration's current request for a \$79 million aid package for Zaire (roughly a ten-fold increase over last years aid levels). Nevertheless, Henry Kissinger explained to Congress that stepped up military assistance (\$19 million of the total amount) was needed "to help modernize [Zaire's] forces and meet its legitimate defense needs in view of increased threats to its security—particularly that posed by the instability in Angola." Kissinger failed to mention that Zaire needed the help because it had been giving away large amounts of its own military supplies to Holden Roberto's FNLA or that Zaire's own troops had been fighting in Angola. (It is illegal under US law for American military to be used for "non-defensive" purposes or to be transferred to a third country.)

The administration has so far chosen to keep most members of Congress (and of course, the public) in the dark about the secret war in Angola, although in accordance with a 1974 law it informed a few senior members of six House and Senate committees last spring of the CIA's actions. One administration official who opposed the policy noted how disappointed he and his fellow dissenters were that the Senate Foreign Relations Committee (of whose members only Senators John Sparkman and Clifford Case were briefed) did nothing to stop the CIA's paramilitary programs. He believes that "especially in the context of the times and current attitudes toward the CIA," the senators could have threatened to go public with the information or at least call a meeting of the full committee to discuss the situation. Neither Sparkman nor Case—nor any of the witting members of the five other committees—did anything of the kind. Another senator—who was not briefed—notes that the oversight law requires only

that the committees be informed and makes no provision for congressional review or approval. The senator notes, however, that the CIA has taken the lack of Congressional objections as their tacit approval for covert operations.

This fall, after the *New York Times'* Leslie Gelb wrote the first article about CIA assistance to the FNLA and UNITA, Senator Dick Clark, the chairman of the Foreign Relations subcommittee on Africa, asked that the full committee be briefed by the CIA and the State Department on the US role in Angola. According to reliable sources, only "three or four" senators out of 16 members bothered to attend. Partial accounts of the administration briefing, which apparently centered on covert arms shipments to the FNLA and UNITA, quickly leaked out to the *New York Times* and the *Washington Post*, but nothing appeared in the press about the large sums of money involved or the growing South African presence.

Finally knowledgeable about what was going on, Senator Clark had a real problem. He opposed the CIA's secret war in Angola, but the testimony he had received was classified. Revealing it would have put him in violation of the Senate's rules. Congressman Michael Harrington had faced the very same dilemma last year when he read a secret transcript in which CIA Director Colby laid out how the CIA had destabilized the Allende government in Chile from 1970 through 1973. Harrington chose to disclose the information, claiming a higher responsibility to reveal CIA misdeeds. As a result, Harrington was fiercely attacked within the House for breaking the rules, and he was forced to submit to censure proceedings. Clark has chosen not to go public. Instead, he is fighting back through the slow process of legislation. He now plans to introduce an amendment that would cut off all military aid—overt and covert—to Angola and Zaire.

When I called Senator Clark, he would not talk about the secret war. He stated, "If I were to tell you that the US was involved in covert activities in Angola, I could be kicked out of the Senate." He agreed that his freedom of action had been limited by receiving the classified briefing, but he stressed that having access to the facts would not prevent him from taking a position against the secret war in Angola.

Clark traces the problem in Angola to the "super-powers who want to play out the cold war in every part of the world." He believes that "the super-powers ought to be able to get together with a spirit of détente to say it's in their own best interest—and that's all anyone seems concerned with—not to let this thing get out of hand."

For the moment at least, the super-powers along with the South Africans and other outsiders seem perfectly willing to fight on to the last Angolan. There is no evidence of restraint on any side nor of meaningful negotiations which could bring the bloodshed to an end. A clear military victory for any faction appears unlikely, and the alternatives seem to be either an endless war or partition of the country into three feuding parts. (The latter solution might not be too objectionable to US policy-makers with a South African-supported UNITA state in the south, Holden Roberto's FNLA in the north, the MPLA squeezed into the middle, and the northern enclave of Cabinda, where Gulf oil has large holdings, either controlled by Roberto or brother-in-law Mobutu who has been openly coveting it for Zaire.)

Nevertheless, in violation of the constitutional provision that only Congress can declare war, an American president has once again used the CIA to take the country into a secret war. Against Castro's Cuba, the tactic was a miserable failure. It didn't work in Vietnam where the CIA's secret involvement grew into the commitment of half a million American troops. Nor did it work in Laos

where the Meo tribesmen who fought the CIA's *Armee Clandestine* were largely decimated by the time the US government was forced to withdraw.

All one can say is, here we go again. . . .

NEED FOR INCREASED HEW COMMITMENT TO BLACK COLLEGES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 16, 1975

Mr. RANGEL. Mr. Speaker, the present economic crisis is severely affecting the black colleges in America. These are institutions which have historically provided educational opportunities for minority students who would otherwise be denied access to higher education. The presidents of a number of black colleges met recently with David Matthews, Secretary of Health, Education, and Welfare, to discuss the plight of their schools and the urgent need for an increased Federal commitment to their survival and expansion.

I include at this point in the RECORD news accounts of the meeting and discussion:

FOURTY-FOUR BLACK COLLEGE PRESIDENTS TELL HEW OF NEED FOR PARITY

WASHINGTON.—The presidents and aides from 44 black colleges and universities met last Tuesday with the new Secretary of Health, Education and Welfare, Dr. David Matthews, to press for parity of educational facilities for their students.

While they received no definite promises from Secretary Matthews, former president of the University of Alabama who knows many of the black college heads personally, his office has indicated that there will be follow-up meetings with these colleges to find ways of meeting their needs.

Speaking for the colleges were: Dr. Charles A. Lyons, Jr., president of the conference sponsoring body, the National Association for Equal Opportunity in Higher Education and also chancellor of Fayetteville, N.C., State University who presided; Dr. Roy D. Hudson, vice president of the association and president of Hampton Institute.

Dr. Milton K. Curry, Jr., president of the United Negro College Fund and head of Bishop College; and Dr. Charles L. Hayes, president of Albany, Ga., State College and chairman of the Office for Advancement of Public Negro College Advisory Committee. All of the colleges represented are members of association. Mark Fisher, IV, is its executive secretary.

Goal set by the speakers was for a leadership partnership between their colleges and the federal government to achieve parity for the historically black colleges by the 200. If such a partnership is not set in motion, the college heads expressed fear that the relative gap between the number of whites and blacks who finish college will continue to widen. The gap, they said, widened from seven percent in 1960 to 13 percent in 1974.

Major emphasis was placed on the need for more opportunities at black colleges and universities for their students to pursue professional and technical education. For example, there are only two black medical colleges with a third being developed at Morehouse.

Also the college heads pressed for more funds for student aid programs. They said they now need \$250 million for such aid, instead of the \$100 million they are receiving.

Dr. Matthews, who indicated a great understanding of the problems of black colleges, was introduced by Dr. Joffre T. Whisenton, a former teacher of educational psychology at the University of Alabama, whom he has brought here to serve as his special assistant for educational policy. For the past several years, Dr. Whisenton has been with the Southern Association of Colleges.

The following black colleges and universities were represented at the conference: Alabama A & M, Lomax-Hammon college, Miles College, Oakwood College, Stillman College, Tuskegee Institute, Delaware State, Federal City College, Howard, Washington Tech, Edward Waters College, Albany State, Atlanta University, Fort Valley State, Morris Brown, Pine, Southern, Bowie State, Morgan State, Shaw College at Detroit, Alcorn, Rust, Utica Jr. College, Lincoln University of Missouri, Barber-Scotia, Fayetteville State, Johnson C. Smith, Livingstone, Shaw, St. Augustine's College, Wilberforce, Cheyney State, Lincoln, Benedict, South Carolina State, Fisk, Lane, Tennessee State University, Bishop, Texas Southern, Wiley, Hampton, St. Paul's College and Virginia Union.

BLACK COLLEGE PRESIDENTS TELL HEW OF NEED FOR PARITY

WASHINGTON.—"We boldly propose that the federal government recognize the historically black colleges as the major architects, traditionally, of equal opportunity with attainment and productivity," a group of black college presidents told Dr. F. David Matthews, Secretary of Health, Education, and Welfare in a meeting last week.

"We further propose that in concert with this additional development, HEW develop a leadership partnership with the historically black colleges for the purpose of achieving parity in all areas of higher education and parity in all professional and technical fields in the work force."

The National Association for Equal Opportunity in Higher Education met with Matthews, a former president of the University of Alabama, to map out a "Partnership for Leadership in the Development of a Year 2000 Plan for Parity in Education."

They recommended to Matthews that blacks participate in the policy planning and review process for all major HEW agencies; that the federal government undertake an annual collection of racial data in higher education; that programs having a "significant impact on equalizing opportunity for blacks" not be regionalized and that discriminatory funding patterns be ended in minority programs.

A black college president panel told Mathew that black colleges play a special "role" in higher education. "We have 100 years of experience in dealing with those victimized by elementary and secondary school discriminatory patterns," said Dr. Roy D. Hudson, president of Hampton Institute. "More than half the baccalaureate degrees are given by black colleges."

Dr. Milton K. Curry, president of Bishop College, said that black institutions "trained young people to believe in themselves . . . and told them if they had integrity or heart and developed their intelligence, they could make great achievements."

Mathews pledged "cooperation" with the black college organization, representing over 100 black colleges, but did not detail any specific programs. He called the black colleges a "reservoir of hope and determination."

Afterwards he expressed sympathy for the plight of many black colleges caught between desegregation decrees aimed at integrating their facilities to a "tipping point" where in effect they may no longer remain "black."

Black college enrollment is now approaching 200,000 with a pattern of growth from about 140,000 in 1966 to almost 200,000 in 1975. Freshman enrollment increased by 10.7

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tleman from Washington nor anybody in this room nor the President of the United States can tell us today where he is going to spend or cut that \$395 billion.

Mr. ULLMAN. Mr. Speaker, I rise to close the debate on this issue.

I want to commend the members of the conference and particularly the staff for the monumental job of getting the paper work done in such a short period of time.

This is a responsible bill. The economy of this country is in trouble. The indicators during the past 2 months have indicated a downturn at a time when we ought to see a strong upturn in the economy. It would be suicidal in my judgment to allow a tax increase of major proportions to go into place in January. This Congress cannot allow that to happen. If the President persists in his effort to move to a spending ceiling in fiscal year 1977 on this bill and decides to veto the bill, I am confident that this Congress can override the veto.

This tax cut extension is of importance to the Nation. It is something, it seems to me, that we cannot go home without providing. This is a responsible package. We have considered it carefully. It is a worthwhile bill. We have extended for six months the withholding levels that are now in place—the withholding rates we put in place in the Tax Reduction Act of 1975 and we have also extended the tax cuts for this 6 months.

Mr. Speaker, this 6-month period will give the Congress an opportunity to work its will on the tax reform bill that is now pending in the other body. At that time we can also look at the economy to see whether the tax reduction should be extended.

Mr. Speaker, this is a sound package. I urge its approval overwhelmingly by the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and agree to the conference report on the bill (H.R. 5559).

The question was taken.

Mr. SCHNEEBELI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 160, not voting 18, as follows:

[Roll No. 798]

YEAS—256

Abzug	Bolling	de la Garza
Adams	Bonker	Delaney
Addabbo	Brademas	Dellums
Allen	Breckinridge	Dent
Ambro	Brinkley	Derrick
Anderson,	Brodhead	Diggs
Calif.	Brooks	Dingell
Andrews,	Brown, Calif.	Dodd
N. Dak.	Burke, Calif.	Downey, N.Y.
Annuccio	Burke, Mass.	Drinan
Ashley	Burton, John	Duncan, Oreg.
Aspin	Burton, Phillip	Early
AuCoin	Carney	Eckhardt
Badillo	Carr	Edgar
Baldus	Chisholm	Edwards, Calif.
Barrett	Clay	Ellberg
Baucus	Cohen	Emery
Beard, R.I.	Collins, Ill.	Evans, Colo.
Bedell	Conte	Evans, Ind.
Bergland	Conyers	Evins, Tenn.
Bevill	Corman	Fary
Biaggi	Cornell	Fascell
Bingham	Cotter	Fisher
Blanchard	D'Amours	Fithian
Blouin	Daniels, N.J.	Flood
Boggs	Danielson	Florito
Boland	Davis	Foley

Ford, Tenn.	McHugh	Risenhoover
Forsythe	McKay	Rodino
Fountain	Madden	Roe
Fraser	Madigan	Rogers
Fuqua	Maguire	Roncalio
Giammo	Mahon	Rooney
Gibbons	Matsuunaga	Rose
Ginn	Mazzoli	Rosenthal
Gonzalez	Meeds	Rostenkowski
Green	Melcher	Roush
Gude	Meyner	Roybal
Hall	Mezvinsky	Russo
Hamilton	Mikva	Ryan
Hammer-	Miller, Calif.	St Germain
Schmidt	Mills	Santini
Hanley	Mineta	Sarbanes
Hannaford	Minish	Scheuer
Harkin	Mink	Schroeder
Harrington	Mitchell, Md.	Schreiberling
Harris	Moakley	Sharp
Hawkins	Moffett	Shipley
Hayes, Ind.	Mollohan	Sikes
Hays, Ohio	Morgan	Simon
Heckler, Mass.	Moss	Sisk
Hefner	Mottl	Slack
Helstoski	Murphy, Ill.	Smith, Iowa
Henderson	Murphy, N.Y.	Solarz
Hicks	Murtha	Spellman
Holland	Myers, Pa.	Staggers
Holtzman	Natcher	Stanton,
Horton	Neal	James V.
Howard	Nedzi	Stark
Howe	Nix	Steed
Hubbard	Nolan	Stokes
Hughes	Nowak	Stratton
Hurette	Oberstar	Studds
Johnson, Calif.	Obey	Sullivan
Jones, Ala.	O'Brien	Symington
Jones, N.C.	O'Hara	Taylor, N.C.
Jones, Okla.	O'Neill	Thornton
Jordan	Ottinger	Traxler
Karth	Patten, N.J.	Tsongas
Kastenmeyer	Patterson,	Ullman
Kazen	Calif.	Van Deerlin
Keys	Pattison, N.Y.	Vander Veen
Koch	Pepper	Vanik
Krebs	Perkins	Vigorito
LaFalce	Peyster	Weaver
Landrum	Pickle	Whalen
Leggett	Pike	White
Lehman	Pressler	Wilson, C. H.
Leytias	Preyer	Wirth
Liton	Price	Wolff
Lloyd, Calif.	Rallsback	Wright
Lloyd, Tenn.	Rangel	Yates
Long, La.	Rees	Yatron
Long, Md.	Reuss	Young, Ga.
McCormack	Richmond	Young, Tex.
McDade	Riegle	Zablocki
McFall	Rinaldo	Zeferetti

NAYS—160

Abdnor	Downing, Va.	Krueger
Alexander	Duncan, Tenn.	Lagomarsino
Anderson, Ill.	du Pont	Latta
Andrews, N.C.	Edwards, Ala.	Lent
Archer	English	Lott
Armstrong	Erlenborn	Lujan
Ashbrook	Esch	McClary
Bafalis	Eshleman	McCloskey
Bauman	Fenwick	McCollister
Beard, Tenn.	Findley	McDonald
Bell	Fish	McEwen
Bennett	Flowers	Mann
Blester	Flynt	Martin
Bowen	Frenzel	Mathis
Breaux	Frey	Michel
Broomfield	Gilman	Milford
Brown, Mich.	Goldwater	Miller, Ohio
Brown, Ohio	Goodling	Mitchell, N.Y.
Broyhill	Gradison	Montgomery
Buchanan	Grassley	Moore
Burgener	Guyser	Moorhead,
Burleson, Tex.	Hagedorn	Calif.
Burlison, Mo.	Haley	Mosher
Butler	Hansen	Myers, Ind.
Byron	Harsha	Nichols
Carter	Hastings	Pressman
Cederberg	Hechler, W. Va.	Pettis
Chappell	Hightower	Poage
Clancy	Hillis	Pritchard
Clausen,	Holt	Quie
Don H.	Hungate	Quillen
Clawson, Del	Hutchinson	Randall
Cleveland	Hyde	Regula
Cochran	Ichord	Rhodes
Collins, Tex.	Jacobs	Roberts
Conable	Jarman	Robinson
Conlan	Jeffords	Roussot
Coughlin	Johnson, Colo.	Ruppe
Crane	Johnson, Pa.	Sarasin
Daniel, Dan	Kasten	Satterfield
Daniel, R. W.	Kelly	Schneebell
Derwinski	Kemp	Schulze
Devine	Ketchum	Sebelius
Dickinson	Kindness	Shriver

Shuster	Symms	Whitten
Skubitz	Talcott	Wiggins
Smith, Nebr.	Taylor, Mo.	Wilson, Bob
Snyder	Teague	Wilson, Tex.
Spence	Thone	Winn
Stanton,	Treen	Wylder
J. William	Vander Jagt	Wylie
Steelman	Waggonner	Young, Alaska
Steiger, Ariz.	Walsh	Young, Fla.
Steiger, Wis.	Wampler	
Stuckey	Whitehurst	

NOT VOTING—18

Burke, Fla.	Hinshaw	Patman, Tex.
Casey	Jones, Tenn.	Runnels
Ford, Mich.	McKinney	Stephens
Gaydos	Macdonald	Thompson
Hebert	Metcalfe	Udall
Heinz	Moorhead, Pa.	Waxman

The Clerk announced the following pairs:

On this vote:

Mr. Udall and Mr. Thompson for, with Mr. Hébert against.

Mr. Waxman and Mr. Moorhead of Pennsylvania for, with Mr. Stephens against.

Mr. Ford of Michigan and Mr. Metcalfe for, with Mr. Casey against.

Mr. Macdonald of Massachusetts and Mr. Jones of Tennessee for, with Mr. Runnels against.

Messrs. ANDREWS of North Carolina, JEFFORDS, and FOUNTAIN changed their votes from "yea" to "nay."

Mr. FOUNTAIN changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR BEGINNING OF 2D SESSION OF THE 94TH CONGRESS

Mr. O'NEILL. Mr. Speaker, I offer a joint resolution (H.J. Res. 749) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res 749

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-fourth Congress shall begin at noon on Monday, January 19, 1976.

SEC. 2. That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. section 11), the President shall transmit to the Congress not later than January 21, 1976, the budget for the fiscal year 1977, and (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. section 1022), the President shall transmit to the Congress not later than January 26, 1976, the Economic report.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR TOMORROW AND REMAINDER OF WEEK

(Mr. O'NEILL was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I have taken this time in order that I may give the schedule for today and for tomorrow.

Mr. Speaker, all legislation has been completed for today. We will meet tomorrow at 10 a.m., and the program for Wednesday will be as follows:

First we will consider H.R. 5559, the tax reduction extension conference report. There will be a rule on that, of course, and that will be the first item on the calendar for tomorrow, followed by H.R. 10979, the railroad revitalization and regulatory reform bill, with an open rule and 2 hours of debate.

Then we will bring up H.R. 8235, the Federal Aid Highway Act, with an open rule and 3 hours of debate. The rule has already been adopted on that.

Next, we will bring up Senate Joint Resolution 121, the quarterly adjustments in the support price for milk conference report.

Finally, we will consider H.R. 9771, the Airport and Airways Development Act, with an open rule and 2 hours of debate.

Mr. Speaker, in view of the fact that the Members are going to the White House tomorrow evening, we would hope to be able to finish at a reasonable hour. We would appreciate it if we could keep Members on the floor because there are those who like to ask for quorum calls.

We would like to finish the whole schedule at a reasonable hour on Friday in view of the fact that there are a couple of airplane strikes and many of the Members of Congress have made arrangements to go home.

Mr. Speaker, we hope that everybody, in the spirit of Christmas, will keep that in mind.

That is all the legislation for today, and I thank the Members.

U.S. INVOLVEMENT IN ANGOLA

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, I share the misgivings of the gentleman from Ohio (Mr. MORRIS) on the question of Angola. I wonder whether our country is backing into another Vietnam.

The Russian involvement in Angola is very disturbing. But so is U.S. involvement. Particularly disturbing is the fact that the Congress was not consulted in advance about the actions being taken by the administration with regard to Angola. We do not even know for sure what actions are being taken by the administration.

Furthermore, it appears that once again, high officials of the executive branch have deliberately lied to us. Two weeks ago at a large dinner in connection with the Pacem in Terris Conference Mr. William Colby, Director of the CIA, publicly stated that the United States was not, directly or indirectly, supplying any military or paramilitary assistance to any of the factions in Angola. That statement was, as we now know, absolutely false.

We are given the impression that once again, the executive branch is acting unilaterally without approval by Con-

gress, without disclosing the facts, and without having made any attempt to bring the conflict before appropriate international organizations, such as the United Nations Security Council.

Mr. Speaker, although I would strongly oppose sending U.S. troops to Angola, I am not now prepared to say that the Congress should prohibit any and all forms of assistance to any of the factions in Angola. However, I think it is time the Congress demanded full and accurate disclosure of the facts and the opportunity to participate in the formulation of national policy on this dangerous situation. To that end, I am introducing a resolution to prohibit military assistance to any faction in Angola without specific authorization by Congress.

NEW YORK CONSTRUCTION LABOR ASSAILS INTERSTATE RIP-OFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, the gentleman from Ohio, the ranking minority member on the Committee on Public Works and Transportation, and I have received telegrams from the construction industry and trade union locals in New York City protesting the intent to wipe out the West side highway construction as an interstate project under H.R. 8235, the Federal Aid to Highways Act of 1975.

New York labor and management make a compelling case that any Interstate capital funds resulting from the interstate withdrawal would merely allow diversion of city and State capital construction funds for operating subsidies, with no net gain in construction for mass transit. I include the text in the RECORD at this point with one caveat: While otherwise an excellent statement, it appears in error in the assertion that trust fund moneys—as distinguished from general revenues—could be diverted temporarily under the "Beame Shuffle."

Now, I ask, Mr. Speaker, are we going to upend the entire interstate program from coast to coast and make ourselves party to this brand of mischief?

For those Members to whom the text is not self-explanatory, I commend the minority views in the report to accompany H.R. 8235 and the "Dear Colleague" circulated to Members Monday evening by the gentleman from Ohio (Mr. HARSHA).

The text follows:

H.R. 8235, DECEMBER 8, 1975, THE 1975
HIGHWAY ACT

On behalf of the 100,000 construction tradesmen and the 475 contracting firms in our city alone who would be affected by the above referenced House bill, we wish to thank you for your opposition to the Abzug amendment appearing under section 109, pages 42, etc.

We are currently experiencing unemployment of 40% to 90% and disastrous bankruptcies on behalf of employers. The west side highway is necessary as a self-help project (no charity) to save New York City. You undoubtedly, in your capacity, have recognized the causes for New York's present economic plight.

Transfer of capital funds to expense budget items:

The city of New York administration is a past master of and has a long standing practice of transferring capital monies or disguising capital monies for operating expenses. In just last year's capital budget, \$300 million out of \$1.1 billion went for operating expenses disguised as capital budget items and this has been the history for well into two decades.

State bond monies:

In late 1960 the voters of the State of New York approved a highway and mass transit bond issue. These monies were to build among other things, a Second Avenue subway extension to the Bronx. The monies were diverted to operating expense items and now, we, as New Yorkers, have only two huge holes in the ground on Second Avenue and massive unemployment. Channel 13, WNET, the Educational and Community Public Service TV station in our area conducted a program this past summer where they characterized these financial manipulations as "The Great Train Robbery".

(A) Irresistible impulse, from over 30 years of seeing how things happen in New York City, the Abzug amendment would once again establish the game plan whereunder the local officials would be subjected to irresistible pressure to cancel the West Side Highway project, (a project that can save New York City) and divert those monies to some alleged capital subway project.

(B) The amendment provides for purchase of passenger equipment, including rolling stock which is once again the old technique used not to build any more subways, and of course, not to build the West Highway.

"BEAME RIDER" TO THE URBAN MASS TRANSPORTATION ACT

Mayor Beame, through the "Beame Rider" can now borrow up to 50% of Federal grant moneys allocated to New York for capital construction of mass transit facilities and use said monies for operating expenses, providing a promise is made to repay. You know the city cannot repay anything, nor will it be able to in the future, except the highways trust fund's money that could be transferred to mass transit can now be used as operating expense funds just on a promise to repay.

Please save the city from another two generations of fund-shifting so that we can have jobs and save our city. The Abzug amendment language is subtle and sophisticatedly disguised and hides the actual procedures that will be followed and have been followed.

Please save us.

General Contractors Association, City of New York; International Union of Operating Engineers, Locals 14 and 15; International Union of Laborers, Locals 731, 1010, 1018, 147, 29; District Council of Carpenters, Timbermen Local 1536; Dockbuilders Local 1456; Metallic Lathers Local 46; Teamsters Local 282.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

[Mr. MCKINNEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

[Mr. YOUNG of Alaska addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

unilaterally stop our own assistance, at least to the extent that assistance is being put into the civil war within Angola by other outside forces.

As I said at the beginning of my remarks today, in open session, I believe that the policy of the United States should very clearly say that we believe that the people of Angola should be free to make their own decisions about what kind of government they want. They should be free to state, without any intervention on the part of any other country, which one of the groups of people or leaders within their own country they would select to be their leaders; and that we would hope that not only we would refrain from intervening in their internal political processes but that we have the right to insist that all other countries likewise refrain from interfering in the internal political affairs of the nation of Angola.

Unfortunately, that is not the situation that exists today in Angola. We have foreign intervention in the internal political affairs of that country. Unfortunately, they are not free to make their own decisions today and we would hope that we can apply our diplomatic and economic pressures in a way which is constructive enough to lead to the time that the people of Angola will again be free from the intervention and interference of foreign countries in their internal affairs. Until that time comes, there is, I think, a need for caution in terms of our precipitate withdrawal of our assistance to one or two or three factions that exist and the almost predictable course of events that would follow from our withdrawal without any quid pro quo, without any paralleling or corresponding reduction in the efforts of the Soviet Union to bend the events in that country to their own desire.

One of the other concerns that I have with the resolution of the Senator from Illinois is the rather broad and inflexible application that is called for in paragraph 4 of the resolution, because that paragraph reads as follows:

The President, pursuant to his authority under the Export Administration Act of 1969, should curtail exports to countries which persist in intervening in the conflict in Angola.

Mr. President, I think it would be understood almost from the beginning of any discussion of that provision of the resolution that any Senator representing a farm State is going to be concerned about the application of that language. It has very little standing except to say to the President of the United States, "If other countries are persisting, you shall apply the sanctions of the act." That would mean, under the Export Administration Act of 1969, that the President has the authority, and, under this resolution, would be directed to use it, to cut off all trade with countries that are intervening in Angola. I think we would have an opportunity to adjust to that so far as farm commodities are concerned. But we could not adjust to it immediately.

The farmers in this country are the most efficient producers in the history of the world when it comes to turning out

a greater and greater flow of agricultural commodities. Since the Korean war, and up until 1973, our policies in the United States have been geared to cope with the surpluses created by that tremendous ability to produce.

Mr. LONG. Will the Senator yield for a unanimous-consent request?

Mr. McCURE. I shall be glad to yield to the Senator from Louisiana for a unanimous-consent request without losing my right to the floor and without the resumption being considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF DUTIES OF CERTAIN SILK—H.R. 7727

AMENDMENT NO. 1322

Mr. LONG. Mr. President, I introduce an amendment to H.R. 7727. This amendment is known as the deadwood bill. It deals with the so-called deadwood provisions which simplify the tax laws by removing from the Internal Revenue Code those provisions which are obsolete or no longer important and rarely used.

Those provisions, which have been developed over a number of years, would repeal almost 150 sections of the Internal Revenue Code and would amend more than 850 other sections of the Code. The bill also would make other simplifying changes such as the substitution of the term "ordinary income" for phrases in present law which obtain this result by referring to the income as "gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231."

The deleted provisions would include those which deal only with past years, situations which were narrowly defined and are unlikely to recur, as well as provisions which have largely outlived their usefulness. In some situations, provisions would be added to preserve the right of persons to continue to receive benefits under Code provisions which generally would be repealed.

The deadwood provisions do not attempt to achieve simplification through substantive changes in existing law. Therefore, the provisions do not deal with policy issues or with substantive changes in generally applicable provisions.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. McCURE. Since the Korean war and up until 1973, our policies had to be directed toward what to do with the ability of the farmers of the United States to produce more food than we could consume in the markets in our own country. So we had an elaborate system built up—jerrybuilt, some say—over the years to deal with the twin problems of too much

production and how to reduce production. So we had farmers paid not to produce; we had programs to encourage and to pay farmers for withholding land from production. We had commodity purchase programs in which the Government bought the commodities off the market, removed them from the market; we had storage programs to pay people to store commodities that were excess to our needs. We had all these programs and we had Public Law 480, which is not a very euphonious title for a bill which then became known, with more artistic fervor, as the food-for-peace program. Through this, we used our surpluses to try to feed hungry people in this world. All of this was evidence of the tremendous ability of the farmers of this country to produce more than we could consume in this country.

In 1973, for the first time, because of the demand for food and because of the ability of various foreign countries to purchase that food, we were able to export enough of our surpluses that we began to reach the point that our agricultural commodities could find a free market price. Since 1973, those prices have moved to a price that is established by a market and not by a governmental program. That, I believe, Mr. President, has been progress.

I think not just the farmers of the United States have benefited greatly from that, but so have the communities in which they live—the automobile dealers, the implement dealers, the warehousemen, the people in Peoria have benefitted from that because they manufacture the machinery that has been sold to those farmers.

I might, incidentally, note that in the very brief period of time following the initial massive purchase of wheat by the government of Russia, when the price of wheat moved up very rapidly in my area of the country from an average of about \$1.85 a bushel to better than \$5 a bushel, it took less than 6 months for the price of a tractor to double.

I do not think it cost more to produce a tractor in that period; it was just a reflection of the old supply and demand law again. Farmers had a little bit more money and they were willing to spend it to update some of their older equipment and replace some of it and the demand on the market exceeded the supply and the price went up.

The price doubled, literally doubled. A large, four-wheel-drive tractor that is used in the wheat-growing areas of my State, that had sold for about \$20,000, went to \$43,000 in 6 months. A self-propelled combine of the type that is much in use in that same area, in that same period of time, went from about \$28,000 to \$48,000.

I might add that the price of wheat may have peaked out at around \$6 a bushel. Certainly, a great many farmers got better than \$5 a bushel. The price went back down to \$3 a bushel, but I did not see the price of a tractor go down, following the price of wheat going back down.

But the farmers of this country have been able to survive and they will survive on the market condition, which is the

situation which I think we should all support. They can do so only if they have access to world markets for the sale of the produce that cannot be consumed in this country. If we are going, under a resolution like this and for other reasons than the management of our agricultural surplus, to limit the sale of agricultural products, as they would be limited under this resolution, then, Mr. President, we must be prepared to pay the price of going back into a regulated agriculture and pay the price of the kinds of agricultural programs that we had in the late 1950's and through the 1960's; a price that is, I think, not an inconsiderable one.

If you will compare it to the cost of the continuation of the program we are talking about here it is very disproportionate. I have heard it said that because we are talking about committing an additional \$28 million to a program in Angola, we must change our foreign policy. I am suggesting if that \$28 million is the reason for us to change that foreign policy, let us look at the hundreds of millions of dollars and probably billions of dollars that will be required to adjust our agricultural programs to the realities of a foreign policy that turns in the way that is suggested by the resolution of the Senator from Illinois.

The Senator from South Carolina (Mr. THURMOND) has circulated a resolution which has slightly different wording, and I would commend that to the consideration of the Senate. I certainly hope that, perhaps, if we get to the consideration of the resolution of the Senator from Illinois, we may also consider the possibility of modifying the language more along the lines of the resolution suggested by the Senator from South Carolina.

That resolution, as I recall—and I do not seem to have a copy of it at the moment—states that the President shall explore the possibility of economic sanctions while instituting diplomatic pressures, and shall report back to the Congress of the United States within 60 days specific economic sanctions that he thinks should be applied.

I think that formulation rather than the more rigid formulation in the Stevenson resolution may be the kind of action the Senate could responsibly take today in trying to resolve the question of how to respond to the changes in Angola and the changes of the political situation brought about by the Soviet Union's intervention.

I have been handed a copy of the resolution, and section 2 of that resolution states as follows:

The Senate requests the President to submit to the Congress such recommendation as he deems appropriate regarding the reduction, prohibition, suspension or termination of trade with the Soviet Union in the event he is unable to successfully negotiate an agreement referred to in the first section of this resolution within 90 days after the adoption of this resolution.

That, I think, is the kind of flexibility necessary so that we might avoid the consequences that seem to me to flow from the language that is in the Stevenson resolution.

These are several of the reasons why

I think we must be concerned not only about the policy implications within Angola and foreign policy but the impact of our response upon domestic political policy. The domestic political policy is not unrelated to what we may decide is right to do in Angola.

It has been suggested by some that we should not be involved in Angola because the United States does not have that much at stake in Angola. That implies to me, at least, that we will never be involved in providing the means by which people can fight for their own independence, if they desire to do so, against foreign subversion or subversion within their own country supported by foreign powers unless the United States has a direct security interest in it.

I would ask the Senate if that is the same standard we are applying in the Middle East as we approach the multi-billion dollar aid to the nation of Israel. I am not suggesting that we should not provide military assistance to Israel but I am saying we are applying that military assistance to Israel because we believe it is right that they ought to have the opportunity to fight for their own survival.

Are we willing to make that moral judgment and to commit ourselves and our resources to the support of the people in Israel because they happen to be more like us and are unwilling to do so in Angola because they happen to be black? Is that the kind of policy this Senate is about to adopt? Is that the kind of motivation we would be proud to have ascribed to the action that is taken by us?

I happen to believe we are right in saying to the world that Israel has a right to exist and that we underscore that by providing them with whatever assistance is necessary for them to fight for their survival.

Mr. BARTLETT. Mr. President, will the Senator yield for a question?

Mr. McCURE. In just a moment.

I think we also ought to, in the same spirit that motivated the President in enunciating what has become known as the Guam doctrine, say that we will provide the means to people who desire to fight for their own survival when they are threatened by subversion that is being supported from external forces.

I think the President was also right in that policy enunciation when he said we are not going to try to fight everyone's battles for them. But I believe if we are going to say we are not going to be the policemen of the world, we also ought to recognize there are struggles going on within this world—there have been and will continue to be—where it is sought to subjugate people against their will to satisfy the ambitions of large powers outside their countries, and the United States cannot morally ignore what happens in those instances.

I would be happy to yield to the Senator from Oklahoma for a question.

Mr. BARTLETT. I would like to point out to the Senator from Idaho there are those who advocate passage of the Tunney amendment, and then also apparently advocate the Congress overtly passing the necessary legislation to provide

for military support in Angola, and to do this openly either on regular legislation or with special consideration.

It seems to me this creates a hiatus that would be very dangerous, and I just wonder if the Senator from Idaho would comment on this to give me his opinion of the danger of a hiatus that would exist during that period even if Congress did adopt later on an amount of military help equivalent to that which is contemplated now with the readjustment of the funds.

Mr. McCURE. Well, let me say to the Senator from Oklahoma that has to be one of the major concerns that confront us now.

Certainly I agree with those Members of the Senate who say the kind of involvement we are engaged in now, that we are apparently engaged in, where we started out with a few thousand dollars and now we are up to \$25 million spent and \$7 million programed, and \$28 million requested, is the kind of decision in which Congress should be involved; that it cannot be a covert operation, it should be an overt decision.

It is my feeling that it is already an overt policy. If it was ever a secret policy it no longer is. So the decision we are making now is not whether to get involved to that extent, it is a question of whether we are going to stop being involved to that extent because we already are.

The President of the United States, through the activities of the State Department and the CIA and, to some degree, pursuant to the involvement of appropriate committees of this Congress that have approved at least portions of this action in the past, has already brought us to the point where the world sees us as being involved in Angola.

If we adopt the Tunney amendment now we stop that involvement, and the signal is not whether we may decide at some future date to get involved again, but the signal is we have stopped being involved and, I think, that has immediate consequences in the perception of peoples around the world as to the will of the United States, the direction of the United States, and it simply is not something that will not affect other people's beliefs concerning the United States, and they will start making policy decisions of their own based upon that decision as they see it and not await a further determination by Congress as to whether we wish again to program moneys to put in at some time in the future.

It is not a neutral step.

Mr. BARTLETT. If the Senator will yield further, the Senator makes a very good point about the whole matter being overtly known and discussed by the people of this country.

The reason I mentioned the hiatus is that presumably the funds can be re-assigned within a matter of several weeks after the first of the year, and on the other hand, new legislation for Angola would take several months at the earliest.

So a hiatus would be created if we passed the Tunney amendment and then waited until later congressional action.

On the other hand, if we would proceed with further aid now, there would still be the opportunity for the Congress

to decide what future action it would want to take and there would be the chance for a more orderly transition from the covert actions that have been sanctioned and established as options for the executive branch by the legislative branch, there would be more time for transition from those options that are now being exercised by the executive branch to whatever was decided later on by the joint decision of the Congress and the executive branch, would that not be the case?

Mr. McCURE. The Senator is correct.

I might add to that, it seems to me that one of the options that is available to us at this time to avoid that hiatus might be, for the time being, to operate under the continuing resolution which has already passed, rather than seek to get final action on this legislation at this time.

I say that because whether we like it or not, some kind of signal is going to come out of any kind of action we take on this bill. Some kind of signal is going to be flashed to the participants in the struggle and others who are not participating in the struggle if we adopt the Tunney amendment or if we defeat the Tunney amendment.

The situation that would occur if we operate under the continuing resolution, as I understand it, would be this, the Senator from Arkansas, the chairman of the Appropriations Committee (Mr. McCLELLAN), has indicated that the request for reprogramming of funds will not be granted until the committee has had an opportunity for a hearing and a briefing and a discussion and a determination by the committee, which means that the funds which they seek to reprogram would not be available until some time after Congress convened again in January.

The Congress, in the meantime, would not have said that they cannot continue to use the money which is in the pipeline now, and it would not have said they could not reprogram other moneys which might be available. I think there is a discretionary pool that exists that does not require reprogramming, and that would be available in the absence of the Tunney amendment, although a very much smaller sum of money.

It might be possible for us just to hold this matter in abeyance until we come back in January and operate, meanwhile, under the continuing resolution with the much more constricted ability to use additional funds in Angola and make the determination at that time after the committees have had the opportunity to be briefed and to discuss and make their own decision.

Mr. HASKELL addressed the Chair.

Mr. BARTLETT. Will the Senator yield to me for one more question?

Mr. HASKELL. I just wonder if the Senator from Idaho will yield without losing his right to the floor while I offer an amendment to S. 1469 which involves the Alaska Claims Act. It should not take long.

Mr. McCURE. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado for that purpose without losing my right to the floor

and without my resumption being considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. HASKELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1469.

The PRESIDING OFFICER (Mr. STONE) laid before the Senate the amendment of the House of Representatives to the bill (S. 1469) to provide, under or by amendment of the Alaska Native Claims Settlement Act, for the late enrollment of certain Natives, the establishment of an escrow account for the proceeds of certain lands, the treatment of certain payments and grants, and the consolidation of existing regional corporations, and for other purposes.

(The amendments of the House are printed in the Record of December 16, 1975, beginning at page H12624.)

Mr. HASKELL. I wish to thank the Senator from Idaho.

Mr. President, I would like to preface this by stating that I am informed that the amendments I am about to ask the Chair to lay before the Senate have been cleared with both Senators from Alaska, Senator GRAVEL being here. It has been cleared with Senator FANNIN and, as a matter of fact, has been cleared with the Department of the Interior and has satisfied all concerned.

Mr. President, I send to the desk several amendments and minor substantive amendments, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. HASKELL. I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

1. On page 1, line 3, strike "authorized" and insert in lieu thereof "directed".
2. On page 2, line 22 strike "village corporations" and insert in lieu thereof "Village Corporations".
3. On page 2, line 23, strike "Alaska Native Claims" and insert in lieu thereof "the".
4. On page 2, line 24, strike "who" and insert in lieu thereof "the Village Corporation or Corporations of which".
5. On page 2, line 25, strike "receive surface and subsurface entitlement" and insert in lieu thereof "acquire title to the surface and subsurface estates of said reserves".
6. On page 3, line 12, strike "the minimum number" and insert in lieu thereof "a sufficient number".
7. On page 4, line 24, strike "reexamination" and insert in lieu thereof "redetermination".
8. On page 5, lines 6 and 7, strike "issued pursuant to section 14(g) of the Settlement Act, pertaining to land" and insert in lieu thereof "pertaining to lands".
9. On page 5, lines 14 and 15, strike "the proceeds which" and insert in lieu thereof "the proceeds, together with interest, which".

10. On page 5, line 16, strike "pertaining to lands" and insert in lieu thereof "pertaining to such lands".

11. On page 5, line 18, strike "together with interest".

12. On page 5, line 24, and page 6, line 1, strike "deposited in the Treasury of the United States or".

13. On page 6, lines 7 and 8, strike "deposit such deposit to bear simple interest at a rate determined by the Secretary of the Treasury" and insert in lieu thereof: "deposit to the date of payment with simple interest at the rate determined by the Secretary of the Treasury to be the rate payable on short-term obligations of the United States prevailing at the time of payment".

14. On page 6, line 12, strike "(25 U.S.C. 162 a)" and insert in lieu thereof "(52 Stat. 1037)".

15. On page 6, line 18, strike "subsection" and insert in lieu thereof "section".

16. On page 7, between lines 5 and 6, insert "Temporary exemption from certain securities laws".

17. On page 7, line 17, between "all" and "information" insert "the".

18. On page 7, between lines 21 and 22, insert "Relation to other programs".

19. On page 8, line 4, after "1964" insert "(78 Stat. 703), as amended".

20. On page 8, between lines 21 and 22, insert "Merger of Native corporations".

21. On page 10, line 4, between "corporations and shareholders which" and "participated", insert "and who".

22. On page 11, line 1, strike "consolidations" and insert in lieu thereof "consolidation".

23. On page 12, line 14, strike "Alaska Natives" and insert in lieu thereof "Natives".

24. On page 12, lines 18 and 19, strike "Alaska Native Regional Corporations or by Alaska Native" and insert in lieu thereof "Regional Corporations in Alaska or by".

25. On page 13, lines 1 and 2, and lines 5 and 6, strike "Alaska Regional Corporation" and insert in lieu thereof "Regional Corporation in Alaska" in both places.

26. On page 13, lines 7, 8, and 9, strike "In the event section 5(a) of the Settlement Act is amended to reopen the Alaska Native Roll for additional enrollment," and insert in lieu thereof "Whenever additional enrollment under the Settlement Act is permitted pursuant to this Act or any other provision of law,".

27. On page 13, line 11, strike "such Act" and insert in lieu thereof "the Settlement Act".

28. On page 13, line 12, between "enrollment" and "effect" insert a comma.

29. On page 13, line 14, strike "the Settlement" and insert in lieu thereof "such".

30. On page 13, line 15, strike "Natives" and insert in lieu thereof "Native's".

31. On page 13, lines 18 and 22, strike "Alaska" in both places.

32. On page 13, lines 23 and 24, strike "regional or village corporation" and insert in lieu thereof "Regional or Village Corporation".

33. On pages 15 and 16 amend section 11 to read as follows:

"SEC. 11. The boundary between the southeastern and Chugach regions shall be the 141st meridian: *Provided*, That the Regional Corporation for the Chugach region shall accord to the Natives enrolled to the Village of Yakutat the same rights and privileges to use any lands which may be conveyed to the Regional Corporation in the vicinity of Icy Bay for such purposes as such Natives have traditionally made thereof, including, but not limited to, subsistence hunting, fishing and gathering, as the Regional Corporation accords to its own shareholders, and shall take no unreasonable or arbitrary action relative to such lands for the primary purpose and having the effect, of impairing or curtailing such rights and privileges."

34. On page 16, line 12, strike "COOK INLET SETTLEMENT."

35. On page 16, lines 15 and 16, strike "region hereinafter" and insert in lieu thereof "hereinafter in this section referred to as the 'Region'."

36. On page 17, line 6, strike "Alaska Native Claims"

37. On page 17, line 21, strike "set forth therein" and insert in lieu thereof "and the Region, as a matter of Federal law."

38. On page 17, line 23, page 18, lines 5, 7, 12 and 17, between "(1)" and "approximately", "(3)" and "Federal", "(4)" and "township", "(5)" and "twenty-nine", and "(6)" and "lands", in each case, insert "title to".

39. On page 18, line 5, strike "townships 10 south" and insert in lieu thereof "township 10 south".

40. On page 18, line 21, strike "Alaska Native Claims"

41. On page 19, line 10, strike "owner" and insert in lieu thereof "Region so long as the Region owns such lands".

42. On page 19, line 11, strike "Alaska Native Claims"

43. On page 19, line 15, between "land" and "without restriction" insert "conveyed".

44. On page 19, line 18 and lines 23 and 24, strike "Cook Inlet Region, Incorporated," and in both places insert in lieu thereof "the Region".

45. On page 19, line 23, between "11(a) (1)" and the comma insert "of the Settlement Act".

46. On page 19, line 24, strike "the Region" and insert in lieu thereof "the Regional Corporation".

47. On page 20, line 2, between "11(a) (3)" and "as" insert "of the Settlement Act".

48. On page 20, lines 3 and 4 and line 20, strike "Cook Inlet Region, Incorporated," in both places and insert in lieu thereof "the Region".

49. On page 20, line 17, strike "the Region" and insert in lieu thereof "the affected Regional Corporation".

50. On page 20, line 10, between "any section 11(a) (1)" and the period insert "withdrawal".

51. On page 20, line 17, strike "affected Region" and insert in lieu thereof "affected Regional Corporation".

52. On page 21, lines 5, 7, and 8, 16, and 21, strike "Alaska Native Claims" in each of the four places it appears.

53. On page 21, lines 8 and 9, strike "3.5 townships of subsurface" and insert in lieu thereof "3.58 townships of oil and gas and coal".

54. On page 21, lines 19 and 20, strike "regional corporation or village corporation" and insert in lieu thereof "Regional Corporation or Village Corporation".

55. On page 22, line 2, strike "Alaska Native Claims"

56. On page 23, lines 9 through 11, strike "Provided, That if the land is not used for the above purposes it shall revert to the United States".

57. On page 23, line 16, strike "Act;" and insert in lieu thereof "Act, and the conveyance of such lands shall also contain a provision that, if the lands cease to be used for the purposes for which they were conveyed, the lands and title thereto shall revert to the United States:".

58. On page 24, line 9, after "Act," insert "This conveyance shall be considered and treated as a conveyance under the Settlement Act."

59. On page 24, lines 15 and 16, strike "Alaska Native Claims"

60. On page 25, line 1, strike "corporations" and insert in lieu thereof "Corporations".

61. Page , line , strike "Alaska Native Claims".

62. On page 25, lines 17 and 18, strike

"Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), is hereby" and insert in lieu thereof "Settlement Act is".

63. On page 26, line 2, between "2033" and "of" insert ", or any successor provisions,".

64. On pages 27 and 28, strike each of the periods between and including line 6 on page 27 and line 6 on page 28 and insert in lieu of each such period a semicolon.

65. On page 28, line 6, directly after the number "13" and the semicolon provided for in amendment no. 65 above insert "S.M., Alaska, notwithstanding" and delete "Notwithstanding" on line 7.

66. On page 28, line 21, between "assigns," and "and" insert "such".

67. On page 29, line 23, and page 30, line 1, strike "Alaska Native Claims Settlement Act (85 Stat. 688)," and insert in lieu thereof "Settlement Act".

68. On page 30, line 8, strike "national forests system" and insert in lieu thereof "National Forest System".

69. On page 29, lines 11 and 12 and line 3, strike "Alaska Native Claims" in both places.

70. On page 29, line 18, strike "Group Corporations" and insert in lieu thereof "corporations organized by Native groups".

71. On page 29, lines 19 and 20, strike "the Native Corporations for the cities of" and insert in lieu thereof "and the corporations organized by Natives residing in".

72. On page 30, line 20, after "Kenai," and before "other" insert "all as defined on this Act, and".

73. On page 31, line 4, between "the" and "Secretary" insert "appropriate".

Mr. MCCLURE. Will the Senator yield for one question?

Mr. HASKELL. I yield to the Senator.

Mr. MCCLURE. I want to make certain I understood the Senator, I was talking at the time he made the statement.

My understanding is that these are technical amendments which have been discussed with the Senator from Arizona (Mr. FANNIN)?

Mr. HASKELL. Yes. I am informed that they have been cleared with Senator FANNIN, that they are satisfactory to Senator GRAVEL, that they are satisfactory to Senator STEVENS, and furthermore, I am informed they are satisfactory to the Secretary of the Interior.

As the Senator knows, I can only go on what I am informed.

Mr. HASKELL. S. 1469 makes certain amendments to the Alaska Native Claims Settlement Act in order to resolve various difficulties which have arisen during the implementation of that act. S. 1469 was passed by the Senate on August 2, 1975, and was passed by the House on December 16, 1975, with an amendment in the nature of a substitute. With but a few exceptions, the House-passed bill is the same in substance as that passed by the Senate.

Mr. President, the House has added certain provisions which, while they were not in the Senate-passed bill, have been the subject of hearings and consideration by the Senate Interior Committee. I will briefly describe those new sections which should be accepted by the Senate with certain changes.

Section 8 of S. 1469, as added by the House, relates to the establishment of a 13th region and the incorporation of a 13th Regional Corporation for the benefit of enrolled Natives who were not

permanent residents of the State of Alaska.

When the Secretary of the Interior certified the final Native roll on December 18, 1973, he also declared that less than a majority of the nonresident Natives voted for the 13th and the 13th region issue had failed. All nonresidents were, accordingly, enrolled in the appropriate region in Alaska. Two organizations—the Alaska Federation of Natives International, Inc. and the Alaska Native Association of Oregon—representing the interests of nonresidents and the concept of the 13th region, separately, brought suit against the Secretary in the U.S. District Court for the District of Columbia requesting that the declaration of the Secretary be declared invalid and that the 13th region be established. On October 6, 1975, the district court entered an order implementing an earlier order in 1974, directing the Secretary to create the 13th region, enroll therein all nonresident Natives who had indicated, on their last formal communication with the Secretary, their desire to enroll in a 13th region, and to provide for the incorporation of the 13th Regional Corporation.

Section 8 is necessary to supplement the court's order. The amendment provides that no change in enrollment to either the 13th region or to one of the 12 regions in Alaska which is required or permitted by the court's order shall affect any land entitlements of an Alaska Native Regional or Village Corporation existing at the time of the creation of the 13th region. Also, it provides that, in furtherance of the court's order, any cancellation of stock of a Native shall be without liability to either the corporation or the individual. Finally, it provides that in the event the Native roll is reopened for new enrollment, eligible Natives who are permanent nonresidents of Alaska are to elect whether they wish to enroll in the 13th region or the appropriate Alaska region at the time of their enrollment.

Section 10, as added by the House, relates to a certain land selection problem in the southeastern region of Alaska concerning which the committee has twice received testimony. This section provides that Sealaska, Inc., may select its approximately 200,000-acre entitlement from lands which were withdrawn in the national forest for selection by village corporations of the southeastern region, but which were not so selected. The section provides that Sealaska, Inc., may not select any lands on Admiralty Island in the withdrawal for the village of Angoon. In addition, no sections can be made in the withdrawal for the villages of Yakutat and Saxman, unless the Governor of the State of Alaska or his delegate consents to such selection. This section is necessary to fulfill Sealaska's selection rights under the Settlement Act.

Section 11 as added by the House resolves a boundary dispute between Sealaska and the Chugach region. The amendment is supported by both affected regions.

Section 12 as added by the House relates to a settlement of a land selection problem in the Cook Inlet Region. On

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Michigan. Under the previous order, there is a time limitation of 40 minutes on the amendment, to be equally divided between the Senator from Michigan (Mr. GRIFFIN) and the Senator from California (Mr. TUNNEY). Who yields time?

Mr. CLARK. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call be equally divided.

Mr. McCLURE. Mr. President, reserving the right to object, what was the request?

The PRESIDING OFFICER. Just to divide the time on the quorum call equally.

Mr. McCLURE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield myself time on the time reserved on my amendment, which is to follow the Griffin amendment, and I would like to yield myself 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, the situation which will be presented to us shortly in the Senate will represent action on the Griffin amendment—I will analyze in a moment exactly what that will do—and then whether or not the Griffin amendment succeeds on my amendment.

The thrust of the Griffin amendment is to prevent from going into Angola any U.S. military or civilian forces involved in hostilities in or over or from off the shores of Angola, unless Congress specifically authorizes it.

The thrust of the Tunney amendment, as it would be amended by my amendment, which will either be added onto the Griffin amendment or will be a separate amendment fully qualified, once the Griffin amendment is acted upon, is that only intelligence gathering will be permitted as an activity in respect of Angola, under the Defense Appropriation Act, which is the subject of the conference report.

The difference between my amendment and the present Tunney amendment is that the Tunney amendment proposes to reduce by \$33 million one of the items of appropriation in the conference report. I omit any such reduction and simply keep the sum as it is.

The reason for my action is this: Obviously, it is important to get the greatest consensus here, and there are Members who feel that the funds programmed

under the Defense Appropriation Act, which would have to be reprogrammed if they wanted to do something about Angola, still does not change the various military necessities.

We may decide, if the House and the Senate agree on this conference report, that we are going to tighten our belt on program A, B, C, or D and cut \$33 million out of it. We may and we may not.

My amendment will make that unnecessary. It will facilitate an agreement between the House and the Senate, as there may be great difference of opinion on that score, and it will get the matter down to its essentials. To argue about a \$33 million provision in a \$90 billion bill seems to be unnecessarily throwing a monkey wrench into the works. We know what we want to do. If we decide to do it, let us not complicate it with a money equation.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. YOUNG. I think this is a good amendment. I do not think it is the intention of the sponsors to delete money in the bill. I think some Senators, though, assume that the \$28 million has already been approved, which it has not.

Mr. JAVITS. Of course. It leaves the conference agreement in balance because the two sides have agreed—the House and the Senate—and we do not disturb that agreement.

However, we have a new problem, just arisen, and nobody's feathers can be ruffled if we try to deal with it in a substantive way rather than trying to disturb what may have been the give and take on the money side in the conference.

Mr. CRANSTON. I say to both Senators who have spoken that I believe that the principal sponsors of the Tunney amendment—and I am one of them—are totally prepared to support the Javits approach, because we recognize that our principal objective, which is to cut off funds used for paramilitary, covert, and other purposes in Angola and around Angola, will be served by the amendment that they change in the dollar figure. It is my hope that members of the Appropriations Committee who are concerned about a change will look with greater benevolence upon our amendment.

Mr. JAVITS. May I say, in fairness to the authors of the amendment, that they were told that in the parliamentary situation, they had to move to reduce the amount; otherwise, their amendment would not be in order.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

Whereas, my amendment is only in order because theirs already has been in order. So that everybody's role is secure.

Mr. President, I hope the Senate will realize that we have achieved our objective. Whatever decision we make, even if it is on the negative side, will be a national policy decision. The House and the Senate will have passed on this par-

ticular question. I hope very much that we will make it positive and that we will start anew, as we should have started when this sum got to be \$25 million and we began to put military materiel into the situation.

I do not believe that the transition will be harmful to the executive department, because it probably takes some time to absorb this kind of military aid in the area, anyhow, and it will give us an opportunity for a more deliberate judgment as to what must be done and how much.

In the Foreign Relations Subcommittee—I am confident the committee will take it—we have materially accelerated the procedure by which the administration can act and Congress must act if it wishes to stop.

So I think this is a plan which holds together. I am very hopeful that we will get the Defense appropriation on its way and will have dealt effectively with our problems respecting Angola.

Mr. President, I say to the acting majority leader that it will be my purpose now to seek advice from the leadership as to whether they will accept a recess until 1:45, because Senator GRIFFIN has asked our indulgence, as he has necessarily had to see the President.

Mr. CRANSTON. Certainly.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time may be charged to both amendments and both sides of both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:50 P.M.; AND UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 10 minutes to 2, and that beginning at that time there be a limitation of 10 minutes on the pending amendment to be equally divided between the Senator from Michigan (Mr. GRIFFIN), the sponsor of the amendment, and the Senator from California (Mr. TUNNEY), and that the vote on the amendment occur at 2 o'clock.

There being no objection, the Senate, at 1:15 p.m., recessed until 1:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRANSTON).

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976,

and for the period beginning July 1, 1976 and ending September 30, 1976, and for other purposes.

The PRESIDING OFFICER. Who yields time?

The Chair, in his capacity as the Senator from California, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. HASKELL). Without objection, it is so ordered.

Mr. McCURE. Mr. President, I ask unanimous consent that Samantha Senger and John Cevette, of Senator HASKELL's staff, be granted the privilege of the floor during the consideration of and voting on all tariff bills today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. PACKWOOD). Without objection, it is so ordered.

Under the previous order, the Senate will proceed to vote on the amendment of the Senator from Michigan.

Mr. CLARK. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), is necessarily absent.

The result was announced—yeas 26, nays 72, as follows:

(Rollcall Vote No. 605 Leg.)

YEAS—26

Baker	Eastland	Long
Bartlett	Fannin	McClellan
Bellmon	Fong	McClure
Buckley	Garn	Morgan
Byrd	Griffin	Scott, Hugh
Harry F., Jr.	Hansen	Stennis
Curtis	Helms	Thurmond
Dole	Hruska	Tower
Domenici	Laxalt	Young

NAYS—72

Abourezk	Burdick	Culver
Alfon	Byrd, Robert C.	Durkin
Ball	Cannon	Eagleton
Bentsen	Case	Ford
Biden	Chiles	Glenn
Brock	Church	Gravel
Brooke	Clark	Hart, Gary
Bumpers	Cranston	Hart, Philip A.

Hartke	McGovern
Haskell	McIntyre
Hatfield	Metcalfe
Hathaway	Mondale
Hollings	Montoya
Huddleston	Moss
Humphrey	Muskie
Inouye	Nelson
Jackson	Numm
Javits	Packwood
Johnston	Pastore
Kennedy	Pearson
Leahy	Pell
Magnuson	Percy
Mansfield	Proxmire
Mathias	Randolph
McGee	Ribicoff

NOT VOTING—2

Bayh	Goldwater
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So Mr. GRIFFIN's amendment was rejected.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from New York is recognized to call up his amendment.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I yield for that purpose.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I yield half a minute of my time to Senator CURTIS for a unanimous consent request.

The PRESIDING OFFICER. Will the Senator withhold for just a moment. Will those in the aisles please remove themselves from the aisles. The Senate is not in order.

I believe the Senator from New York said half a minute to the Senator from Nebraska.

SUBSTITUTION OF SENATOR BROCK FOR SENATOR FANNIN AS A CONFERE—H.R. 10727

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senator from Tennessee (Mr. Brock) be named a conferee on H.R. 10727, and the Senator from Arizona (Mr. FANNIN) be removed as a conferee on that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank the Senator.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. JAVITS. I call up my amendment and send it to the desk to be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes an amendment No. 1312 to amendment No. 1303.

The amendment is as follows:

Strike "\$205,600,000" and in lieu of the language proposed to be inserted by amend-

ment 1303 insert the following: "\$205,600,000, none of which, nor any other funds appropriated in this Act may be used for any activities involving Angola other than intelligence gathering, and which funds are".

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment proposes only to eliminate the figures from the Tunney amendment which reduced the amount of \$205,600,000 down to \$172,600,000.

My amendment contains the same figure agreed upon in conference, \$205,600,000, and it includes the Tunney language.

Mr. President, may we have order. I will be through very quickly.

The PRESIDING OFFICER. Will the Senator withhold? The Senate will please be in order.

Mr. JAVITS. The reason for my amendment is simply to strip this controversy, which we have debated at such length, of any question about the amounts involved. The amount will remain exactly as the conferees agreed on, but we do include the injunction against spending any money appropriated in this act or any part of that \$205 million for any activities involving Angola other than intelligence gathering. That is the whole sum of it.

The reason for it is we have been told that the way in which money would be available if we did nothing for the Angola operation will be by reprogramming other funds for various purposes contained in this act, and it was my feeling as the debate developed that as the conferees had arrived at a balance of their respective views on money—that is what the essence of this bill is all about—and as it was made clear to us there was no sum of money here for Angola, it would have to come from cutting down other programs on which they had agreed, whichever ones they were, which they called reprogramming, it seemed to me the proponents of the fundamental proposition put before us by Senator TUNNEY, by Senator CLARK, and others, really would only embarrass their cause by seeking to reduce the money. There was no point to it once we got the basic prohibition established, and that is what this will do.

May I say for my colleague, Senator TUNNEY, and others on that side that they could not have gotten into this situation in a parliamentary sense unless they had done something about the money. But having opened the door, we should now walk through it, and I hope the Senate will carry this as the substitute language for the Tunney language without renegotiating the dollars involved.

My final point, Mr. President, that it will save a lot of time with the other body if they are in any mood to do anything about Angola. It will certainly be a lot easier to get them to do it if they do not have to retrade all their deals on the defense appropriations.

For those reasons, Mr. President, I hope every one of the parties interested, except on a straight division of whether we will or will not go the Tunney route, will agree that this amendment is the right course to follow and that, as this amendment replaces the whole of the Tunney amendment, this will be the final action on that proposition.

Mr. President, I yield to the Senator from California 2 minutes.

Mr. TUNNEY. Mr. President, the Senator from New York and I have had a chance to discuss his substitute at some length, and the way he described the impact of his substitute is, in my mind, correct.

I think the substitute offered is a good one. I point out the reason that the \$33 million as placed originally in my amendment was that it would have been out of order if we had not referred to a dollar figure in the amendment in disagreement No. 75 that came over from the House.

We no longer need that dollar figure. The dollar figure did represent our best estimate of the moneys that had been spent or were being programmed to be spent in Angola.

Therefore, I am prepared to yield back the remainder of my time, and let us have a vote on the Senator's amendment. I think it is a good one.

The PRESIDING OFFICER. The Senate will be in order. Again will those conversing in the well please go someplace else. Will those conversing in the well please leave the Chamber.

Mr. JAVITS. Mr. President, in yielding, I would appreciate it if the Chair would inform me so that I do not use the last 2 minutes of my time.

I yield.

Mr. BUMPERS. Just one short question. One thing that did not come up yesterday and did not come up this morning that I was curious about, and that is whether or not this amendment or the Tunney amendment as it was originally written, would be other than an expression of the sentiment of the Senate and would it have any more than possibly an inhibiting effect on the possible use of any other funds the CIA has which could be used for covert activities?

Mr. JAVITS. I am not so young in this body as to believe that in a budget running into several hundred billions of dollars that the administration could not find money to do this. It would obviously bar them from using money in the \$90 billion.

But I really believe with such a precision of expression by the Senate and the House on such a major bill as the defense appropriations bill, I would not believe the administration would move in that direction and, if it did, I assure the Senator there are lots of other ways in which a body as large as that majority which turned down the Griffin amendment could see that they rue the day. So I do not believe we are acting other than very substantively and decisively if we adopt the amendment I have sent to the desk.

May I say, Mr. President, that amendment is for myself and Senator HUMPHREY of Minnesota.

Mr. McCLURE. Mr. President, will the Senator yield for one question?

Mr. JAVITS. Yes.

Mr. McCLURE. Mr. President, the Senator from California a moment ago referred to the dollar amount figure in his amendment which the Senator from New York seeks to eliminate as being the best estimate of the amount of money that had been spent or would be reprogrammed.

Am I not correct in remembering the statements made by the Senator from North Dakota and the Senator from Arkansas that a request for reprogramming in this dollar amount had been made but, as a matter of fact, no reprogramming has occurred and, I think, the Senator from Arkansas indicated that before the committees were about to grant such an authorization, there would be hearings and further inquiry by the committee?

Mr. JAVITS. That is my recollection, and I hope we are both correct, because whatever happens to this conference report—

Mr. YOUNG. Will the Senator yield?

Mr. JAVITS. Of course I yield.

Mr. YOUNG. The amount is to be programmed, it is \$28 million. I think the Tunney amendment deletion of claim money is not necessary to accomplish his objection.

Mr. JAVITS. I thank my colleague.

Mr. McCLURE. Would the Senator from North Dakota not agree with the Senator from New York and myself that although that request have been made, no sum of money has been reprogrammed?

Mr. YOUNG. In fact, Chairman McCLELLAN notified the CIA he would not be taking up the reprogramming until Congress convenes in January.

Mr. McCLURE. I thank the Senator.

Mr. JAVITS. I might say to Senator YOUNG, the chairman's trusted minority senior member, I would hope that whatever happens to the conference report, we hear rumors there are intentions to debate it until we quit, and things like that, that is up to all those involved, but I would hope with the clear expression of view by the whole Senate that at the very least it is intended by this reprogramming method to let them use the money, that the matter would be submitted to the Senate, and if it felt we cannot wait the 20-odd days involved, I would hope it would be submitted today, tomorrow, or Saturday.

I think that is the least due us, having gone through the enormous exercise, and at long last trying to join the Congress and those major policy decisions on foreign policy, and being, as Arthur Vandenberg, for one of the first times in modern times, in at the takeoff instead of just at the landing, so many of which will crash.

Mr. TUNNEY. Will the Senator yield?

Mr. JAVITS. Yes.

Mr. TUNNEY. I feel so strongly that this amendment offers the Senate an opportunity to express its opinion on the basic principle that no moneys under this defense appropriation bill ought to go to Angola for military purposes that I ask to be a cosponsor of this amendment because it is directly on point, the lan-

guage is exactly the same as the amendment that has been introduced by me.

The PRESIDING OFFICER. The Senator from New York asked to be advised when he had 2 minutes remaining. He has 2 minutes remaining.

Mr. JAVITS. Mr. President, I ask unanimous consent that Senator TUNNEY may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am prepared to vote now, but I do not see anyone from the Appropriations Committee who could speak for them, so I reserve the remainder of my time.

Mr. TUNNEY. I think that I control the other half of the time. I am happy to yield the floor to the Senator from New York.

Mr. BUCKLEY. I thank the Senator from California.

Mr. President, I rise because he stated that a vote in favor of the Javits amendment would constitute a vote in approval of the principles underlying the Tunney amendment.

I just want the RECORD to make it clear that a vote to improve an undesirable amendment does not constitute a vote of approval for that same amendment.

So I do not want my vote that will be forthcoming to be confused with approval of the Tunney proposal.

Mr. TUNNEY. I am prepared to yield back my time unless another Senator wishes to speak.

Mr. YOUNG. Will the Senator yield me 1 minute?

The PRESIDING OFFICER. On whose time?

Is this on the time of the Senator from California?

Mr. TUNNEY. Yes.

Mr. YOUNG. I ask the Senator from New York, does his amendment embody the language of the Tunney amendment?

What I am trying to determine is does your amendment restore money, and also encompass the Tunney language?

Mr. JAVITS. It does.

Mr. YOUNG. I support that.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I ask unanimous consent that Senator CASE may be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. The pending amendment is an amendment to the Tunney amendment?

The PRESIDING OFFICER. An amendment in the nature of a substitute for the Tunney amendment.

Mr. McCLURE. And if this amendment is adopted, it would require a further vote upon the Tunney amendment as amended?

The PRESIDING OFFICER. That is correct.

Mr. McCLURE. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I am prepared to yield back my time unless there is any Senator that wants to have my time.

Does any Senator request time?

Mr. FANNIN. Mr. President, could we clarify whether the Javits amendment does include the Tunney amendment?

Mr. TUNNEY. The Javits amendment includes the language in the Tunney amendment with one exception. The \$33 million is eliminated.

Mr. FANNIN. But not on the—

Mr. TUNNEY. The only way the Tunney amendment can be adopted is to have a vote. This represents a substitute for my amendment.

Mr. FANNIN. That is what I wanted to know.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Will the Senator from Idaho agree to yield back the time or does he want to use my time?

Mr. McCLURE. There is a little confusion, will the Senator yield for a moment?

Mr. TUNNEY. Certainly.

Mr. McCLURE. So we can qualify the situation so that everybody may know exactly what is involved here.

The Javits amendment is an amendment in the nature of a substitute for the Tunney amendment, but a vote for the Javits amendment does not adopt the Tunney amendment.

If the Javits amendment is adopted, there would still be a vote on the Tunney amendment as amended by the Senator from New York.

Mr. TUNNEY. That is correct.

Mr. McCLURE. So that I, for one, although not necessarily in support of the Tunney amendment, would support the Javits amendment as being an improvement.

I think the Senator from California has indicated he thinks so, also.

Mr. TUNNEY. I would just like to say that I think if the Javits amendment is accepted, it is going to make it very clear what the sentiment of the Senate is in respect to cutting off funds to Angola.

It would then be my view, if the Javits amendment carries, it would then be clear that a majority of this body wants to cut off funds under this defense appropriations bill.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I am prepared to yield back, but the Senator from New York desires to speak.

Mr. BUCKLEY. Mr. President, I went to some pains just now—

The PRESIDING OFFICER. There will be order, please.

Mr. BUCKLEY. I went to some pains just now to rebut the presumption just stated by the Senator from California.

My vote in favor of the Javits amendment must not be construed as a vote in favor of cutting off these funds for covert affairs in Angola.

Mr. TUNNEY. Then I suggest the Senator vote against it.

Mr. BUCKLEY. The Senator from California has no right to instruct me how

to vote or determine the reasons for my vote.

Mr. TUNNEY. I have no right, but I make the suggestion.

Mr. JACKSON. Will the Senator yield for a unanimous-consent request?

Mr. TUNNEY. I yield to the Senator.

Mr. JACKSON. Mr. President, I ask unanimous consent that Dan Dreyfus and Ben Yamagato be granted privilege of the floor in connection with H.R. 3474.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. JAVITS. Mr. President, I ask unanimous consent that Charles Warren of my staff, be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. TUNNEY. Yes, I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Frank DuBois, of my staff, be granted privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New York. The yeas and nays—

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. Jackson) may proceed for not to exceed 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATIONS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 3474.

The PRESIDING OFFICER (Mr. PACKWOOD) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Non-nuclear Energy Research and Development Act of 1974, and for other purposes.

(The amendment of the House is printed in the Record of December 11, 1975, beginning at page H12424.)

Mr. JACKSON. Mr. President, I move to concur with the House amendments to the Senate amendments to the House bill.

Mr. President, this amendment which came over from the House was a part of the original conference report on

ERDA. The House deleted certain loan guarantee provisions and in situ oil shale lease provisions from the bill and other than that they sent the bill back as the Senate had adopted it.

I have cleared this matter with Senator PASTORE, who handles the nuclear part of it, with Senator FANNIN and Senator BAKER.

We are all in agreement that in view of the margin of vote in the House, there is no point trying to go back to conference or sending it back with an amendment, despite the fact the Senate passed the bill 80 to 10.

Mr. President, the conferees had adopted the provisions of the Senate version of the bill which would authorize the Administrator of ERDA to guarantee loans for the construction of one-of-a-kind facilities to demonstrate new energy technologies. Among the technologies which were eligible for such assistance were energy production from solid wastes, solar energy applications, geothermal energy, conversion of coal to synthetic fuels, and production of oil from shale.

Another Senate provision adopted by the conferees would have authorized the Administrator to carry out, in cooperation with industry, a carefully controlled experiment in commercial production of oil from shale using in situ methods. The in situ method, if successful, would eliminate most of the extreme environmental consequences which will otherwise result from mining and above ground retorting of shale. It would greatly reduce water use, water quality degradation, and the production of solid wastes for disposal.

On December 11, in an unprecedented action, the House of Representatives bowed to the demands of some of its Members and voted separately upon these two provisions of the Senate-approved conference report. The provisions were rejected and the remainder of the conference report is now before us as an amended bill.

I intend to move that the Senate accept the decision of the House and approve the bill without amendment. I will do so not because I agreed with the decision but because it is important for the other provisions of the bill to become law. I am not encouraged to believe that the House will accept any reasonable alternatives to the two provisions I have mentioned at this time.

Mr. President, the House debate on these provisions was remarkable. The loan guarantee provision was opposed by some Members as a \$6 billion "ripoff" by the energy industries. It was just as vehemently opposed by others as the first step in nationalizing the oil industry. Editorials in major national newspapers supported both arguments.

I assure the Senate that the provision would have neither of the alleged results. It seems self-evident that it could not have both.

The debate includes contentions that this is a gift to major oil companies and testimonials that it is opposed by major oil companies. It includes contentions that these kinds of facilities will be constructed immediately by industry without

Federal assistance and contentions that they are impossible dreams and that the guaranteed loans will default.

The history of discussions about synthetic fuels policy is dramatically reflected in the House debate. This Nation is no longer self-sufficient in petroleum resources, but it has vast resources of coal and oil shale. We consume energy primarily in three forms—gas for industrial and domestic heating, liquid fuels for transportation, and electricity. All of these demands could be supplied from coal, oil shale, and more advanced systems if socially, environmentally, and economically acceptable conversion technologies could be realized.

There are those who remain complacent that industry will bring about the technologies when the market dictates, and there are those who believe the technical or economic problems are insurmountable. Industry has been alleged to be on the verge of demonstrating shale oil and coal gasification production for years, but action is never forthcoming.

Meanwhile, fundamental national policy decisions are being made based upon gross assumptions about our energy future. The viability of domestic energy self-sufficiency is critical to our international posture, even if we do not choose the course of energy self-sufficiency.

Real changes in life style and severe energy conservation decisions are being deferred because of complacency that technological solutions to the energy crisis are possible. Our energy-based economy continues to face the uncertainties of increasing prices and shortages.

The provisions stricken by the House were intended to encourage early demonstrations of available, but unproven, technologies—to assess the real technological, environmental, economic, and social consequences of synthetic fuel production. They were not intended—and could not—commit us to a synthetic fuels future, but they would provide the basis for reasoned and rational decisions.

The House action seems likely to result in one more costly deferral of action; to extend for at least another year any real initiative to find out if synthetics are a solution to our problems.

At best, our continued ambivalence on research and demonstration of energy alternatives will condemn us to taking expedient and blind action on synthetic fuels at some future date. It will condemn us to crisis commitments without the safeguards, without deliberate analysis, and without knowledge of the consequences. At worst, it will condemn the American public to greater dependence upon Arab oil and greater expansion of the nuclear alternative. And it will result not in energy conservation, but in economic deprivation.

I hope that the opponents of this measure in the House and the critics in the media will spend some time during the forthcoming holiday season reflecting on the options we have for the future. If they remain convinced that there is some way that new energy technologies will materialize without energy industry involvement, without government assistance, or without experimentation I hope

that they will advance their own proposals for our consideration early next year.

If they have no alternative proposals, I hope that they can constructively support a program of the kind which has been deleted from this conference report before more crucial years of lead time are wasted in inaction.

Mr. President, I think we are in complete agreement on the part of the participants in the conference on both sides of the aisle.

I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I concur with what the distinguished Senator from Washington has said.

It is unfortunate the House did take out a very important facet of the bill, which was the loan guarantee program. It is going to be very damaging to the program.

At the same time, we do not have sufficient time to go into that matter with the House. It was such an overwhelming vote. I do not think it would be wise to try at this time to place that particular item back in the bill.

Mr. BUMPERS. Will the Senator yield?

Mr. JACKSON. I yield to the Senator.

Mr. FANNIN. There were two items. The other was on the old mine involvement, and the \$750 million.

Mr. JACKSON. That was the other bill.

Mr. FANNIN. That is right.

Mr. JACKSON. This involved the situation of the loan guarantee provision.

Mr. BUMPERS. I think that answers my question.

The House dropped the \$6 million loan guarantee and the oil shale project, those are the only two things?

Mr. JACKSON. That is correct.

Mr. DOMENICI. Mr. President, I reluctantly support H.R. 3474 the ERDA authorization bill, as amended by the House. I am disappointed the House struck the provisions which would have provided a loan guarantee program for synthetic fuels development. I feel there is an urgency to bring about the commercialization of synthetic fuels. However, I do not feel that we can delay on approving the authorization of funds for the Energy Research and Development Administration, because the rest of the provisions in the bill are extremely important to the Nation as we strive for energy independence.

I am hopeful that the members of the Senate Interior Committee who spent long hours developing the legislative language contained in section 103 will make every possible effort to assure that similar legislation is considered separately early in the second session.

I cannot stress enough the importance of a loan guaranteed program to insure the development of our synfuels program in the United States. It is important to the State of New Mexico because we have several coal gasification plants proposed for the northwest corner of the State. These plants offer an option to continued excessive dependence on foreign sources of energy. We cannot allow the millions of tons of coal in the United States to lie

for another 3 million years, unused and unattended to while the Nation's energy needs go unmet.

Intelligent, resourceful, and environmentally sound development of these valuable resources, which offer so much to America's desire to be energy independent, must proceed. But, it cannot proceed without an aggressive program of Government aid in what is an enormously expensive proposition.

The technology for producing pipeline quality synthane—synthetic methane or natural gas—has been demonstrated in Scotland in a coal gasification plant using a combination lurgi and methanation process to create 25 million cubic feet of gas per day. While this plant is 100 times smaller than the commercial size synthane plants proposed by companies in this country, the fundamental process is known well enough to minimize the technical risk that these larger plants will not function properly.

The synthetic fuels project can involve both mining and manufacturing facilities requiring huge investments in resource assessment, resource acquisition, and development of necessary infrastructures and community facilities. Protection of the environment also can require costly environmental analysis and safeguards. The financial community will in all probability seek more conservative investments unless the Federal Government is willing to participate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, I voted to approve the legislation authorizing funds for the Energy Research and Development Administration, as modified by action of the House of Representatives. Our R. & D. programs in energy are an essential element in our national effort to achieve greater independence from unreliable foreign sources of petroleum.

I favor the House position as compared to the Senate proposal and support the changes made by the House of Representatives.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from New York to the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD, I announce that the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. LONG) are necessarily absent.

Mr. GRIFFIN, I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced--yeas 93, nays 4, as follows:

[Rollcall Vote No. 606 Leg.]

YEAS--93

Abourezk	Glenn	Morgan
Allen	Gravel	Moss
Baker	Hansen	Muskie
Bartlett	Hart, Gary	Nelson
Beall	Hart, Philip A.	Nunn
Bellmon	Hartke	Packwood
Bentsen	Haskell	Pastore
Biden	Hatfield	Pearson
Brook	Hathaway	Pell
Brooke	Helms	Percy
Buckley	Hollings	Proxmire
Bumpers	Hruska	Randolph
Burdick	Huddleston	Ribicoff
Byrd	Humphrey	Roth
Harry F., Jr.	Inouye	Schweiker
Byrd, Robert C.	Jackson	Scott, Hugh
Cannon	Javits	Sparkman
Case	Johnston	Stafford
Chiles	Kennedy	Stevens
Church	Laxalt	Stevenson
Clark	Leahy	Stone
Cranston	Magnuson	Symington
Culver	Mansfield	Taft
Dole	Mathias	Talmadge
Domenech	McClellan	Thurmond
Durkin	McClure	Tower
Eagleton	McGee	Tunney
Eastland	McGovern	Weicker
Fannin	McIntyre	Williams
Fong	Metcalfe	Young
Ford	Mondale	
Garn	Montoya	

NAYS--4

Curtis	Scott,	Stennis
Griffin	William L.	

NOT VOTING--3

Bayh	Goldwater	Long
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So the Javits amendment (amendment No. 1312) to the Tunney amendment (amendment No. 1303) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY), as amended.

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President, I yield to the Republican leader, without losing my right to the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania may proceed.

TEMPORARY CONTINUATION OF CURRENT TAX WITHHOLDING TABLES--S. 2815

Mr. HUGH SCOTT. Mr. President, I send to the desk a bill providing that the current tax withholding tables remain in effect until March 15, 1976.

It is obvious that an impasse has been reached between the President and Congress. The purpose of my bill is to allow

negotiations to proceed on the spending ceiling issue while keeping the withholding tax rates at current levels for a short period of time.

Mr. President, I would ask for immediate consideration of my bill but I realize that an objection would be raised. Therefore, I ask unanimous consent that my bill be considered as having been read twice and be placed on the calendar until such time as the Democratic Leadership decides to bring this matter before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The text of the bill is as follows:

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3402(a) of the Internal Revenue Code of 1954 (relating to income tax collected at source), as amended by section 205 of the Tax Reduction Act of 1975, is amended by inserting after the second sentence thereof the following: "The tables so prescribed with respect to wages paid after December 31, 1975, and on or before March 15, 1976, shall be the same as the tables prescribed under this subsection which were in effect on December 10, 1975."

(b) Section 209(c) of the Tax Reduction Act of 1975 is amended by striking out "before January 1, 1976" and inserting in lieu hereof "on or before March 15, 1976".

ANIMAL WELFARE AMENDMENTS OF 1975

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1941, which was reported from the Committee on Commerce today.

The PRESIDING OFFICER. Is there objection to proceeding to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1941) to increase the protection afforded animals in transit and to assure the humane treatment of animals, and for other purposes, which has been reported from the Committee on Commerce with an amendment.

The amendment was agreed to.

The bill, was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Amendments of 1975".

Sec. 2. Section 1 of the Act of August 24, 1966, as amended (7 U.S.C. 2131), is amended to read as follows:

SHORT TITLE AND DECLARATION OF POLICY

SECTION 1. (a) This Act may be cited as the "Animal Welfare Act".

(b) The Congress finds that animals and activities which are regulated under this Act are either in interstate or foreign commerce or substantially affected such commerce or the free flow thereof, and that regulation of animals and activities as provided in this Act is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order--

(1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this Act, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.

Sec. 3. Section 2 of such Act (7 U.S.C. 2132) is amended--

(1) by striking out subsections (c) and (d) thereof and inserting in lieu thereof the following:

"(c) The term 'commerce' means trade, traffic, transportation, or other commerce--

"(1) between a place in a State and any place outside of such State or

"(2) which affects trade, traffic, transportation, or other commerce described in paragraph (1).

"(d) The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States."

(2) by striking out the term "affecting commerce" in subsections (e) and (f) and inserting in lieu thereof "in commerce"; (3) by amending subsection (g) thereof to read as follows:

"(g) The term 'animal' means any dog, cat, monkey, guinea pig, hamster, rabbit, bird, horse, or any other animal, which the Secretary determines is intended for use for research, testing, experimentation, or exhibition purposes, or which is used or intended for use as a pet. With respect to a dog, the term also includes a dog used for hunting, security, or breeding purposes. The term does not include farm animals, such as, but not limited to, livestock or poultry, used or intended for use as food of fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency."

(3) by amending subsection (f) thereof by inserting after "or sells" and before "any" the following: "or offers for sale."

(4) by further amending subsection (f) by inserting a semicolon after the word "pets" and by striking "but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer,"

(5) by amending subsection (h) thereof by striking out "which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce," and inserting in lieu thereof "in commerce" and

(6) adding at the end thereof the following new subsection:

"(i) The term 'carrier' means any person subject to regulation by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Federal Maritime Commission, or any other person or class of persons engaged in the business of transporting animals for hire or providing services incidental to such transportation, as designated by the Secretary of Transportation."

Sec. 4. Section 3 of such Act (7 U.S.C. 2133) is amended by inserting after "his facilities" and before "comply" in the first proviso thereof the following: "including any terminal facilities used by such person."

Sec. 5. Sections 4, 11, and 12 of such Act (7 U.S.C. 2134, 2141, and 2142) are amended by striking out "affecting commerce" and inserting in lieu thereof "in commerce".

Sec. 6. Section 6 of such Act (7 U.S.C. 136) is amended by striking out "Every research facility and every" and inserting in lieu

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thereof "Every research facility, carrier, and".
SEC. 7. Section 9 of such Act (7 U.S.C. 2139), is amended by inserting after "dealer," the first time it appears the term "a carrier," and the second time it appears the term "carrier".

SEC. 8. Section 10 of such Act (7 U.S.C. 2140) is amended by deleting "upon forms supplied by the Secretary" in the first sentence thereof and by adding after the second sentence thereof the following two new sentences: "Carriers shall keep such records as are necessary to carry out this Act, with respect to the transportation, receiving, handling, and delivering of animals, as the Secretary may prescribe: *Provided*, That in the case of those carriers required to maintain records under requirements of other Federal agencies, if the Secretary determines that any additional records are needed for the purposes of this Act, and proposes to require such records, such requirements shall not become effective until they have been approved by such other agencies. Any such records shall be made available at all reasonable times for inspection and copying by the Secretary."

SEC. 9. Section 13 of such Act (7 U.S.C. 2143), is amended—

(1) by amending the title thereof to read as follows: "HUMANE STANDARDS FOR ANIMALS";

(2) by inserting "(a)" immediately before the first sentence thereof;

(3) by amending the second sentence thereof by inserting after "Such standards" and before "shall include" the following: "shall apply with respect to the facilities of any person licensed or registered pursuant to this Act and with respect to any terminal facilities used by a carrier subject to this Act and"; and

(4) by adding at the end thereof the following two new subsections:

"(b) The Secretary shall promulgate standards in accordance with this subsection to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by carriers, of animals consigned by any dealer, research facility, owner of a pet, exhibitor, operator of an auction sale, department, agency, or instrumentality of the Federal Government or of any State or local government, or other person. Such standards shall include, but need not be limited to, minimum requirements with respect to containers, feed, water, rest, ventilation, temperature, handling, veterinary care, and other factors determined by the Secretary to be relevant to assuring the humane treatment of animals in the course of their transportation in commerce. Such standards shall be designed to assure the safe transportation in commerce of all animals received in healthy condition and to safeguard such animals against disease, injury, and death in the course thereof. The Secretary may revise such standards to the extent necessary or appropriate. Such standards may include a requirement that no animal of a designated kind shall be—

"(1) delivered by a dealer, research facility, exhibitor, operator of an auction sale, owner of a pet, or by a department, agency, or instrumentality of the Federal Government or of any State or local government, to a carrier, for transportation in commerce; or

"(2) received by a carrier, for transportation in commerce, from any person or government entity described in paragraph (1); unless it is accompanied by a certificate issued with respect to such animal by an accredited (as defined by the Secretary) veterinarian. Each such certificate shall attest that such veterinarian inspected such animal within a time interval which shall be specified and that, when so inspected, such animal appeared to be free of any infectious disease or physical abnormality which might en-

danger such animal or other animals during transportation in commerce. Any such certificate shall be issued at a time interval, and shall be retained by the receiving carrier for a reasonable period of time in accordance with regulations of the Secretary.

"(c) No carrier involved in the transportation of any animal in commerce shall participate in any arrangement, or engage in any practice, under which the cost of the transportation of such animal, or any other charges (including the purchase price of any such animal), is required to be paid and collected upon the delivery of such animal to the consignee, unless the consignor guarantees in writing the payment of transportation charges, including, where necessary, both the return transportation charges and an amount sufficient to reimburse such carrier for all out-of-pocket expenses incurred for the care, feeding, and storage of any such animal in the event that such animal is not claimed upon delivery. Such transportation shall be permitted by the carriers after a period of twenty-four hours."

SEC. 10. Section 15 of such Act (7 U.S.C. 2145) is amended by adding at the end thereof the following new subsection:

"(c) In addition to other applicable requirements, the Secretary shall consult and cooperate with the Secretary of Transportation, the Administrator of the Federal Aviation Administration, the Chairman of the Civil Aeronautics Board, the Chairman of the Interstate Commerce Commission, and the Chairman of the Federal Maritime Commission with respect to the establishment and enforcement of humane standards for animals in the course of their transportation in commerce and in terminal facilities prior to and after such transportation. Before promulgating any standard governing air transportation and related handling of animals, the Secretary shall consult with the Secretary of Transportation, and the Administrator of the Federal Aviation Administration who shall have the authority to disapprove any such standard if he notifies the Secretary, within thirty days after such consultation, that changes are necessary in the interest of safety flight including the safety of the aircraft, its environment, or its equipment. The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, to the extent of their respective lawful authorities, shall take such action as is appropriate to implement any determination by the Secretary with respect to a person subject to regulation by it."

SEC. 11. Section 16(a) of such Act (7 U.S.C. 2146(a)) is amended—

(1) by inserting "carrier," in the first sentence thereof after the term "exhibitor," each time such term appears in such sentence;

(2) by striking out "or" before "(4)" in the third sentence thereof;

(3) by inserting before the period at the end of the third sentence thereof the following: ", or (5) such animal is held by a carrier"; and

(4) by adding the following new sentence at the end thereof: "The United States attorneys are authorized to prosecute all criminal violations of this Act reported by the Secretary and to invite civil actions to enforce orders of and to recover all civil penalties assessed and reported by the Secretary, or which come to their notice or knowledge by other means."

SEC. 12. Section 19 of such Act, as amended (7 U.S.C. 2149), is amended—

(1) by inserting after "exhibitor," each time the term appears the following: "carrier";

(2) by striking out "one year" in subsection (c) thereof and inserting in lieu thereof "six months";

(3) by amending subsection (a) thereof by striking "violation, and if" and inserting in lieu thereof the following: "violation, The

district courts of the United States shall have jurisdiction to enforce any such order by appropriate means. If";

(4) by amending subsection (c) thereof by inserting "knowingly" after "who" and before "violates"; and

(5) by adding at the end thereof of the following two new subsections:

"(d) Any dealer, exhibitor, carrier, or operator of an auction sale subject to this Act who is determined by the Secretary, after notice and an opportunity for a hearing, to have violated a provision of this Act or of a standard or regulation prescribed pursuant to this Act, shall be liable to the United States for a civil penalty. The amount of such penalty shall be not more than \$2,000 for each violation, and if any violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(e) Any action under this section may be brought before a United States magistrate in the district court of the United States in any judicial district in which such person is found, and such magistrate shall have jurisdiction to hear and decide such action."

SEC. 13. Section 21 of such Act (7 U.S.C. 2151) is amended by adding at the end thereof the following two new sentences: "Record-keeping requirements prescribed pursuant to section 8, and standards promulgated pursuant to subsections (a) and (b) of section 10, shall be prescribed or promulgated in accordance with section 553 of title 5, United States Code, except that interested persons shall be entitled to make oral as well as written presentations. A transcript shall be taken of any oral presentation."

SEC. 14. (a) Section 23 of such Act (7 U.S.C. 2153) is amended by striking out the last sentence.

(b) Such Act is amended by adding at the end thereof the following new section:

"SEC. 26. There is authorized to be appropriated to the Secretary to carry out the provisions of this Act not to exceed \$4,000,000 for the fiscal year ending June 30, 1976, not to exceed \$1,000,000 for the transitional fiscal quarter ending September 30, 1976, not to exceed \$4,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$4,000,000 for the fiscal year ending September 30, 1978."

SEC. 15. Section 24 of such Act (7 U.S.C. 2154) is amended—

(1) by inserting "and carriers" after the term "dealers" in the third sentence thereof, and

(2) by adding after "of this Act" and before the period at the end of the first sentence the following: ", except that the regulations relating to carriers shall be prescribed not later than nine months after the date of enactment of the Animal Welfare Amendments of 1975."

SEC. 16. Section 25 of such Act (7 U.S.C. 2155) is amended—

(1) by striking out "and" at the end of paragraph (2) thereof;

(2) by redesignating paragraph (3) thereof as paragraph (4) thereof; and

(3) by inserting therein the following new paragraph:

"(3) recommendations and conclusions approved by the Secretary of Transportation, the Administrator of the Federal Aviation Administration and the Chairman of the Civil Aeronautics Board, concerning flight safety, including the aircraft, its environ-

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ment, or equipment as they relate to the carriage of live animals in air transportation; and".

SEC. 17. Section 16(c) of such Act (7 U.S.C. 2146c) is amended by striking "and the provisions of title II of the Organized Crime Control Act of 1970 (62 Stat. 856; 18 U.S.C. 6001 et seq.),".

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

ADDITIONAL STATEMENTS ON ANGOLA

Mr. KENNEDY. Mr. President, I rise to support the amendment offered by the Senator from California, Mr. TUNNEY, which I have cosponsored, to halt covert U.S. involvement in the civil war in Angola.

It is evident from the secret session recently concluded that the Senate as a body has neither been informed of the details of our military aid to one of the factions in Angola, advised of the policies being pursued nor been given an opportunity to express its view on this matter.

We are faced with a secret operation that may reach an expenditure of \$60 million. Those are taxpayer dollars being used in a way that promotes an escalation of the civil war and massive and tragic loss of life and property that inevitably will result.

We all deplore the intervention by the Soviet Union and Cuba in that newly independent nation of Africa. Yet we neither promote our own interests nor those of a peaceful solution by responding with a CIA-financed covert operation, apparently conducted in concert with the Union of South Africa.

The Congress has an equal role in foreign policymaking with the administration. Our obligations cannot be fulfilled if we are kept in the dark or if we are confronted with an opportunity to act only after the fact. And that is what we are faced with in Angola. A major covert operation has been conducted without full public explanation of the policy being pursued or the interests, objectives, and goals that policy is designed to promote.

Until Congress is given that opportunity and makes that determination, I do not believe we should permit the continued expenditure of tax dollars by the CIA in the Angolan civil war.

And I believe that even were the question before us today as a request for authorization for such action, the risks of that policy clearly outweigh any fleeting short-term benefits.

First, we know that covert involvement of U.S. money and U.S. personnel—whether CIA employees or mercenaries hired by the CIA—in a foreign civil war can ensnare this Nation in growing and undesired commitments. Although we are told that there is no intention of producing another Vietnam on the continent of Africa, the dangers of step-by-

step increments of U.S. money, manpower and prestige are clear.

Santayana's warning seems never so apt as today that those who will not learn from history are destined to repeat it.

If we have learned anything from Vietnam, it is that the United States cannot police the world. Any effort to do so in Angola without full public and congressional acceptance of the need for the expenditure of U.S. resources in a foreign civil war cannot be sustained—and should not be sustained.

Second, if we look at the continued statements of the Council of the Organization of African Unity in opposition to foreign intervention in Angola, it is clear that our actions—however frequently we identify them as a reaction to Soviet and Cuban initiatives—will be condemned as foreign intervention. We cannot hope but antagonize many of the African nations with whom we desire improved relations.

Third, it is unchallengeable that throughout black Africa, our involvement on the side of the white supremacist regime of the Union of South Africa and increasing reports of our acting in concert with that government, will be cause for attack. Ultimately, we could well find ourselves isolated from the dominant forces on that continent—a result which clearly is not in our interests.

Finally, the actions we are taking to finance covert operations which prolong the bloody civil war yield tragic humanitarian consequences: loss of life, creation of new populations of refugees, disruption of food supply and resulting malnutrition and hunger. Those covert operations have involved already some \$33 million with up to \$60 million authorization. Yet our support for humanitarian relief has been limited to \$200,000. This juxtaposition of priorities is not in the interests of the people of Angola nor in the interests of the United States.

Let us look at the long story behind our current involvement in Angola.

Angola, as a colony of Portugal, gained its independence on November 11. Yet, because of the abundant natural resources spread throughout that territory, both internal and outside forces have spent months and years vying for full control of this land. To some observers, the conflict and internal strife were inevitable. For, the end of colonialism in African countries has too often been followed by a scramble among warring factions that seek to enjoy the spoils, even before the local residents have a chance to begin guiding their own fate.

Too much of what is happening in Angola today has been repeated time and time again throughout the colonial world. Thus, after years of colonial rule, an African nation emerges with its own internal struggle for powers already drawn upon ethnic, tribal and historical lines.

Adding to that, is the awesome might of the superpowers in the Soviet Union, the United States, and China.

Our Government reluctantly admits involvement for the sake of protecting our interests—particularly our interest in

Angola's potential oil supply. And for years, along with the Russians and the Chinese, our Government has been a supporter of at least one liberation faction in Angola.

Zaire, Zambia, and other black African states are also deeply involved in Angola, and for their part, the people of Angola are forced to question this deep involvement in Angolan affairs by so many foreign governments. Yet, a third faction poses one of the most imponderable aspects of this entire conflict. For, the Republic of South Africa has also committed troops, munitions and other resources to the Angolan struggle. Our debate today on this serious matter must focus upon the real dangers posed by the U.S. involvement in that troubled land. As long ago as 1969, the administration decided that black Angolans would not obtain majority rule in the land of their birth. And so, our Government chose to support the Portuguese governments of Caetano and Salazar.

But, for at least 13 years, it has been reported, the CIA has funneled assistance to the FNLA—one of the three Angolan liberation parties. When Portugal's government collapsed in 1974, independence for Angola and all of the Portuguese colonies became the hallmark of the new Portuguese government's democratic experiment.

After that event, the world's attention cautiously turned to the anticipated buildup by interests outside of Angola—interests that have been nurtured by a continuing search for power, but interests that bore no compassion or empathy for self-determination. In 1974, Portugal, after 500 years of colonialism, surrendered her claim to that land, far from the shores of Lisbon.

And now, in 1975, the mighty nations of the world have reached out to pull apart any hope for Angolans to determine for themselves how that newly formed state ought to be directed.

I fully support and have cosponsored the amendment to prohibit military funds for use in Angola, because I agree with those who feel that a continued U.S. buildup can only provide fuel for the warring factions to blaze away at each other.

And the victims of continued fighting will be not only the soldiers of MPLA, UNITA and FNLA—but the women and children and those who are too old to fight who will be the tragic, helpless targets of the rockets, bullets, and missiles that are "Made in the USA."

There are clearly no easy answers to the problems posed by the conflict in Angola. Yet, the issues considered by the administration have too often been surrounded in secrecy. So that even now, as the Senate comes out of a closed briefing and debate on this grave matter, there still remains the difficult issue of where should this country place its resources, its public policy and its moral commitment.

For me, that question has a plain and direct response. The United States should not be militarily involved in Angola. Not only should we get out, but our doing so should be a signal for South Africa, for China, for the Soviet Union, for Zaire

and for every foreign government to extricate themselves from Angola's civil war.

Indeed, if our Government insists on being involved, then we should seek ways not only to encourage the ouster of all foreign governments, but we should make it clear that this Nation is prepared to assist any and every effort to negotiate a settlement between the forces of liberation in Angola.

Next year as Americans around the world celebrate an independence that has such precedents throughout civilization, at least we should be prepared to support and assist those efforts designed to insure that peace may prevail in the new nation of Angola.

Last October I listed at least five distinct steps that the United States can and must take in order to serve the causes of peace and justice in Angola.

First, the United States should respect the territorial integrity of Angola, as urged for that country by the three Angolan parties and the Organization of African Unity. All efforts to partition the country or separate Cabinda must be vigorously opposed.

Second, we must do what we can to halt all foreign involvement and intervention—including our own—so that the future of Angola can be decided upon by Angolans themselves.

Third, we should support efforts both within Angola, and on the part of third parties, to mediate between the rival groups to Angola, to halt the bloodshed, and to seize opportunity for a peaceful transition to independence. In particular, we should support the Conciliation Committee of the OAU in its attempt to bring a solution to the Angola crisis.

Fourth, we should demonstrate a willingness to work with any Angolan government that emerges as the people of that nation work out their own plans for self-development.

Finally, governments and international organizations should offer humanitarian assistance to victims of the fighting, wherever they are found, and thereafter, give financial and technical assistance to Angola to help rebuild the country.

We have in this instance a good opportunity for the United States to develop a policy regarding an African nation that has been designed by the Africans themselves. For too long our Government has taken its cue on African policy from other nations in Europe. In this case we know that the OAU has consistently urged all foreign interests to leave Angola. It is clear that our Government deserves to take its lead from those in Africa who want Angolans to decide for themselves the fate of their great land.

I urge my colleagues to support the pending amendment to the Defense Department appropriation so that peace and reason can replace the fire of war that is now consuming the new state of Angola.

Mr. GARN. Mr. President, the debate we are engaged in today is a momentous one, a historic one. Far more is at stake than the fate of Angola. Both sides of the debate over the strategic importance

of Angola are correct: we can live without a non-Communist, non-Sovietized Angola, and at the same time, Angola is of enormous importance in today's geopolitics. That is true because the fate of Angola will help to answer the question, "Whom does America protect?" So far, the answer to that question appears to be, "Nobody." Angola is important because of its effect on the perception of American strength by both friend and foe.

Just incidentally, the failure of Soviet action in Angola would preserve a measure of freedom to the people there, but the larger significance is its effect on the fate of other non-Communist nations throughout the world.

I have been concerned about the secrecy involved in the U.S. contribution to the anti-Communist resistance in Angola. Concerned because action of this kind tends to be ineffective, unless it is coupled with some sort of national resolve, which expresses itself in diplomatic terms. It was the lack of such a resolve that led to our defeat in Vietnam, which in turn has contributed to our paralysis in Angola. As an editorial in the London *Daily Telegraph* noted yesterday, "America's self-imposed defeat" in Vietnam has been the best weapon the Communists have had. Of course, in the case of Vietnam, our leaders failed miserably to develop a national resolve. They failed on the one hand because they were themselves unsure about our objectives there, and on the other because they proceeded in secret. It is the secrecy of our action in Angola which is also troubling today. In my view, we ought to strip away the mask of secrecy, move openly, and communicate with our constituents the true importance of standing firm in Africa.

For instance, Mr. President, suppose we were to continue our present level of aid, send in the \$25 million or so we are talking about today, using the Governments of Zaire and Zambia as conduits, and that we were at the same time to say to the Soviet Union that if a single Mig-21 leaves the runway in Angola, we will simply break off all arms limitation talks, indefinitely. I am willing to bet that the Migs would never take off.

Suppose we were to couple our economic aid with notice to Fidel Castro that his action in Angola constitutes a clear violation of the agreements reached with the United States in 1962. Cuba agreed at that time that there would be no export of the revolution, and we agreed to forego any further attempts to liberate the unhappy people of that island. Suppose we were to tell Castro that since he has violated the agreement, we no longer consider ourselves bound by it, and that we are going to resume active naval operations in the Caribbean, for the purpose of preventing any further shipment of Cuban soldiers to Angola. Again, I am willing to bet that we would see some serious action towards a decrease in Cuban activity in Africa.

In short, Mr. President, if we are unwilling to intervene directly in Angola, we should immediately raise the diplomatic costs to the nations that do intervene. Such a course of action should be

obvious, and would be if we were not blinded by the rhetoric about the benevolent nature of the Neto movement in Angola. Listening to some of the descriptions of this movement is very reminiscent of the descriptions we heard in the late 1950s of Fidel Castro, or the earlier descriptions of the "agrarian reformers" in China.

However, it is only fair to note that such a policy is incompatible with the policy of détente as recently practiced in the United States. In that respect, Secretary Kissinger's angry comments about foreign involvement in Africa are somewhat startling. Secretary Kissinger has shown an almost amazing tolerance for offensive and insulting action by the Soviet Union and her client states. Now, all of a sudden, he is upset about Soviet intervention in Angola. Well, Mr. President, a number of us have been upset about Soviet actions for a long time. My constituents have never understood the passion for accommodation which has characterized the State Department, and American foreign policy in general. My constituents are strongly opposed to treating the Soviets as good buddies, because they feel in their bones that Angola-style action is what we can always expect from them. And they are correct.

Some observers, more sophisticated than the Senator from Utah, are now coming to the same conclusion. Victor Zorza, in this morning's Washington Post, claims that there has been a shift in Soviet policy, away from accommodation and in the direction of confrontation. The increasing willingness of the Soviets to confront us is explained as follows:

The military buildup is increasingly giving it the confidence—and the hardware—with which to intervene in far-off places, and to disregard calls for moderation.

With all due respect to Mr. Zorza, I do not, myself, see any shift in policy, but I am glad to see that he now joins me in questioning the intentions of the Kremlin.

I return to a point hinted at earlier, and one which I have made many times on the floor of the Senate: psychological relations are important in geopolitics. Very often the amount of our contribution, or the degree of our involvement is less important than the will we show in acting at all. What I am asking us to do in Angola, Mr. President, is to stand up for the principle of self-determination, and to act to minimize the interference by Communist nations in the affairs of a small, but strategically located country. To do so, we will have to free ourselves from the constraints imposed on us by our blind adherence to the policy of détente.

If we do not Angola will be dominated by the Soviet Union, as Somalia is already, as Guinea is already, and as several other nations of Africa threaten to become. Angola's fall will further validate the good old domino theory, which was restricted to Southeast Asia only by its attackers.

Mr. BROOKE. Mr. President, during the past several days the Senate has attempted a substantive discussion of the

Angolan crisis. We have met in secret session twice. We have debated several amendments, one of which I am a cosponsor, and a resolution setting forth certain policy perspectives on the matter. The decisions we have made or will make by our votes are important ones for which the Congress, in exercising its power, must bear a major share of the responsibility for the events that result therefrom.

Before I detail why I believe the proper policy choice for the Congress is to legislate a cessation of covert support for any of the Angolan factions, it is necessary to set forth certain basic considerations. First, the Angolan conflict is not another Vietnam in any meaningful analytical sense. This is the case even though there are certain generic similarities in that both can be viewed as primarily internal conflicts while at the same time being situations wherein the Soviet Union has attempted to expand its influence by massive support of one of the contending parties. Our reaction in both cases, however unwise it may have been or is, has been predicated on a belief that our interests demand some form of support for elements opposing the Soviet-backed groups. But, I emphasize that these are generic similarities endemic to any so-called liberation struggle in which Soviet expansionism and U.S. interests collide. These similarities do not provide an adequate basis to judge the specific case of Angola.

Far too often in our discussions in the Congress and in performing our educational responsibilities to the American people, the Vietnam tragedy is being used as an emotive rationale for certain actions when what is needed is sober, responsible analysis of a unique situation and its relevance to U.S. interests. It is wisdom to learn from past errors. It is folly to be the prisoner of them.

Second, our limited involvement to date in the Angolan conflict is not another example of Executive malfeasance, nor an indication that the Executive has tried to cover up its actions by ignoring the congressional channels set up for the processing of highly sensitive information. There are designated individuals in this chamber who have been or should have been aware that the United States has been interested in certain Angolan groups for a number of years. The exact nature of that interest may not have been widely known, but the fact that we have had an active interest in the Angolan situation for some time certainly should not have come as a great surprise to many individuals in the Congress. Nor would it have been impossible for other Members, through study of the situation there, to attain a general understanding of how we have sought to promote our interests.

On this matter the Executive has reached certain conclusions based upon its interpretation of information available to it and U.S. interests. We may reach different conclusions at this point in time. If we do, they should be based upon our own best judgments on the substantive issues involved in the Angolan situation, not on any shallow at-

tempt to argue the matter as a Congressional Executive confrontation.

Third, contrary to what some have argued, I do not believe that Angola is unimportant to us. The plight of the Angolan peoples should be of great concern to our country. Angola is strategically located close to important sea lanes. Angola is richly endowed with natural resources and will become one of the more important countries of Africa in the years ahead. It is ludicrous to claim that we have no interest in Angola's future in light of these factors; just as ludicrous, in fact, as the claim that our interests inevitably compel us to intercede further in the present conflict.

Finally, the Angolan conflict, while mainly a war between competing groups in Angola, is not without its international implications. The relatively massive involvement of the Soviet Union and Cuba in the conflict, the abhorrent presence of South African forces in Angola, and our own comparatively modest involvement to date have made the conflict more than just a civil war. We obscure the complex nature of the problem by categorizing it as such.

Having examined the Angolan question with these considerations in mind, I have concluded that long-term U.S. interests will not be served by continued covert support of any of the contending factions. No convincing case has been made for such continued support under existing conditions. The factions that we have helped cannot hope to attain effective control of Angola. Our continued covert involvement serves to increase rather than decrease Soviet influence over elements that may come out of the conflict in the strongest position. Our involvement runs counter to the expressed desire of OAU countries for a cessation of all foreign intervention in Angola. Our present policies threaten to create an association, at least in the minds of many Africans, of ourselves with the South African forces who have intervened in Angola. Any such association with a country whose government continues to advocate racial separation is anathema to most Americans and will ill serve our interests in Africa for years to come. For these and other reasons, continued U.S. covert support for any of the factions in Angola is not the proper course of action for the United States.

I am naturally concerned with the willingness of the Soviet Union and its client state, Cuba, to intervene in the Angolan conflict. Such intervention, I believe, is one indication that détente, as practiced by the Kremlin, could be used as a cover for Soviet expansionism. While one must hope that such will not be the case, it is impossible to ignore the contradiction posed by the Soviet intervention in Angola.

The Soviet Union may gain certain advantages if the faction it is supporting wins uncontested control of Angola. One such advantage would be Soviet access to and possible control of certain port facilities in Angola. This would provide Moscow with an opportunity to project a very strong naval presence in the South Atlantic and along shipping lanes of

great importance to Western Europe and the United States. Soviet control of Angolan resources would also be very disturbing. Yet, I am firmly convinced that such advantages, if they materialize, will be shortlived. African states, whatever their expressed ideologies, will not long tolerate dominance by any outside power. They have struggled too long for independence to forfeit it to the Soviet Union or anyone else. Indeed, I venture to predict that the Soviet Union will be astonished at the depth of ingratitude the MPLA will manifest in the aftermath of the current struggle should it emerge as the victor.

The need now is for the United States to fashion its policies so that it will be in a position to provide any party that ultimately gains control in Angola the option to establish good relations with our country. In doing so we will give an Angolan regime the opportunity to avoid dependence on the Soviet Union or some other power. It is a proper objective of U.S. foreign policy to provide such an option. To be in a position to do so we must indicate our willingness to abide by the desire of the majority of African states for nonintervention in Angola by any outside power.

Mr. CASE. Mr. President, I believe we have come to a watershed in our relationship to black Africa. If we approve stepped up covert military assistance to Angola today the American position in black Africa will be damaged severely and, increasingly, we will find ourselves isolated on that continent.

While we were involved in helping one of the factions in Angola as early as last March, the first Presidential decision to give some limited military aid came in the middle of July. That was after at least one other black African country decided it had to resume military assistance to the non-Soviet factions—the FNLA and UNITA. It was at a time when the People's Republic of China was backing the non-Soviet factions in Angola.

At that time the President's decision to provide limited military aid was understandable. The Soviets were involved with MPLA; the opposing factions in Angola had the backing of several black African countries and the Chinese.

Conditions have now changed dramatically. The People's Republic of China has pulled out. At the same time the increasing presence of South African soldiers has put the United States in an unhappy position. The Soviets will be quick to paint us an ally of white South Africa, anathema to most black Africans, in the hope of isolating us from black Africa as a whole. Our supporters in black Africa will fall by the wayside if we fall into this trap.

The signs of deterioration have already set in. At the beginning of this week no less than 15 African nations—two of them Moslem Arab states—had decided to recognize the Soviet-backed MPLA as the legitimate Government of Angola. This increasing support for the MPLA will not be ignored by the Organization of African Unity. So far the OAU has remained neutral and has tried to bring the warring factions in Angola together.

The danger is that the OAU's policy will change to support for the Soviet-backed MPLA as African politics polarize on this issue.

At the early stage American support for the FNLA and UNITA was shielded somewhat by the backing for those factions given by other black African countries. It is unclear how long other African countries can afford politically to continue their support if the United States steps up its military aid.

To pursue the course we are on is self-defeating in the context of African politics. We cannot win in the long run. Nor, can we win in the short run. According to the CIA, if the United States were able to give Soviet-style support—and if we could provide military advisors and pay for mercenaries to fight in Angola—then the FNLA and UNITA might have a chance to hang on. Because the Soviets are likely to match us in the delivery of arms and the commitment of foreign soldiers to the conflict, it is clear that at best, we too, can only "hang on."

Now is the time to call a halt. The termination of military aid is essential I believe, if we want to preserve for ourselves a meaningful role in black Africa and to protect our long run strategic interests in the region. It is essential too for the creation of conditions in which the African nations can settle the problem and at the same time preserve their independence from outside domination.

AN ASSESSMENT OF CUBA'S INVOLVEMENT IN ANGOLA—CASTRO'S CONSISTENT FOREIGN POLICY

Mr. STONE, Mr. President, for the past several days we have been debating a course of action with regard to the current situation in Angola. It is no secret that Cuba has sent thousands of armed soldiers to join combat for the Soviets in Angola. Finally this body and the entire world is beginning to understand how Fidel Castro operates and what he stands for.

Our official State Department position of encouraging relations with Castro seems to have been silenced. Perhaps those who have been proponents of relaxed relations, who have called for unilateral concessions to Castro, are now beginning to realize what they would be getting into.

The December 22, 1975, edition of U.S. News & World Report contains an editorial by Howard Fleiger entitled "Fidel's Fidelity." It is an article which provides a revealing analysis of Castro's tactics in seeking our favors. It aptly points out that Castro has not altered his policies that separated the United States and Cuba 15 years ago and has never shown a willingness to change these policies of international subversion in return for improved relations with us. It warns that the only policy-changing to occur will be submission on our part to Castro's game. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

FIDEL'S FIDELTY (By Howard Fleiger)

One thing you should not forget about Fidel Castro: whatever else he may be, he is very consistent.

Cuba's latest joint venture with the Soviet Union of intervention in Angola re-emphasizes the point.

Those in the U.S. who have been in favor of easing the American embargo and of encouraging renewed contacts between Washington and Havana would do well to keep this fundamental fact in mind:

If any concessions are made, Castro expects the United States to make them. He isn't going to. He has made it perfectly clear from the beginning that his system is untouchable and there is to be no softening of his Government's anti-U.S. foreign policy at any price.

In all fairness to Castro, he has never promised to change his basic policies in return for improved relations with the U.S., or even hinted at a willingness to do so.

Those in America who feel he might change are indulging in wishful thinking. They get no encouragement from Castro now. They never have from the day he seized Cuba.

All one needs to do is look at the record. Castro has never kept it secret.

During the 1960s, Communist Cuba backed revolution throughout Latin America, and its propagandists and agents encouraged anti-Vietnam War demonstrations in the U.S.

Young Americans were welcomed to Cuba—in fact, invited in with all expenses paid—to cut sugar cane and study Marxism.

When it became apparent during the early 1970s that revolutions in this Hemisphere were not a fertile field for Communism, Castro shifted tactics. He did not shift goals.

Now he is interested in forming commodity exporting associations among Latin American nations as a type of economic warfare against the United States. Cuba is a member of the new Latin American Economic System comprising the countries of Latin America and the Caribbean. The U.S. is not a member. As a matter of fact, it was not asked to join.

Last August, it began to appear in Congress and elsewhere that sentiment was on the increase in this country to break the ice with Castro and get the two Governments on more accommodating terms. How did Fidel Castro receive the news? By making it emphatically clear that, come what may, he had no intention of altering his anti-U.S. ways.

The Cuban dictator reacted by holding a conference in Havana on Puerto Rican independence. He made one of his typical speeches on that occasion. He declared that, if he were faced with a choice between a resumption of Cuban-American relations or backing Puerto Rican independence from the U.S., he would choose the latter without hesitation. It makes no difference to him that only a relative handful of Puerto Ricans actively agitate for independence.

Now Castro has sent thousands of his soldiers into Angola in Africa to join forces with troops from the Soviet Union. These are not mercenaries or soldiers of fortune. They are Cuban army regulars.

As pointed out in a news story in this magazine recently, the Angola force is only one of the detachments of Cuban troops that have been deployed in 10 countries—not to act in Havana's interest but against the interests of the United States, which opposes armed intervention by outsiders in the affairs of newly independent nations.

What it adds up to is this:

If the U.S. is willing to deal with a dictator who has no intention of altering the policies that separated Washington and Havana 15 years ago, then there is a possibility of resumed contacts between the two.

But nobody can say the signals from Havana are obscure. They couldn't be clearer. If relations improve, it will be the U.S. that has changed—not Fidel Castro.

Mr. MANSFIELD, Mr. President, what is the pending business?

The PRESIDING OFFICER. The pend-

ing question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY) as amended by the amendment of the Senator from New York (Mr. JAVITS).

Mr. MANSFIELD. Are we prepared to vote?

Mr. BUCKLEY, Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield briefly to the Senator from New York.

Mr. BUCKLEY, Mr. President, I have an amendment that I am prepared to offer in due course, an amendment to the amendment as amended.

The PRESIDING OFFICER. The amendment is not in order.

The question is on agreeing to the amendment of the Senator from California, as amended.

Mr. MANSFIELD, Mr. President, I wonder if I could get some indication from the Senate as to whether or not it is prepared at this time to vote on the amendment of the Senator from California, as amended by the amendment of the Senator from New York.

Mr. McCURE, Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCURE. I would hope we could have some time for debate in open session on this matter. I do not know that Senators are ready to set a time limitation on it.

Mr. MANSFIELD, Mr. President, I ask unanimous consent that the vote on the pending question, that is, the Tunney amendment as amended by the Javits amendment, occur at 4 p.m. today.

Mr. GRIFFIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. I make the request for 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. I make the request for 7 o'clock.

Mr. GRIFFIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. I make the request for 9 o'clock.

Mr. GRIFFIN. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Well, I better go through all the way. I make the request for 11 o'clock tonight.

Mr. WILLIAM L. SCOTT, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. I ask unanimous consent that the vote on the pending amendment occur at the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN, Mr. President, I object for the time being.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD, Mr. President, it is very apparent that there is a filibuster in progress against the Tunney amend-

ment as amended by the Javits amendment. I hope that the Senate will be aware of the possibilities inherent therein.

We had held out a faint hope that we could adjourn sine die tonight. That is an impossibility.

We still have some hope that we will be able to adjourn sine die tomorrow; but if we do not, we can anticipate being in on Sunday; I hope not next week, but perhaps, I hope that those who have had to scrounge for airplane reservations will not be too inconvenienced by what has developed in the consideration of this most important amendment, affecting our participation in the affairs of two of the three factions struggling for control in Angola.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that Bruce Thompson, of my staff, be permitted the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILK PRICE SUPPORT ADJUSTMENTS—CONFERENCE REPORT

Mr. HUMPHREY. Mr. President, I submit a report of the committee of conference on Senate Joint Resolution 121, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. TAFT). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S.J. Res. 121) to provide for quarterly adjustments in the support price of milk, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Record of December 12, 1975, at page H12489.)

Mr. HUMPHREY. Mr. President, I am gratified that the House has passed legislation yesterday which I introduced, Senate Joint Resolution 121, by a 307-111 vote, designed to help deal with one of the most pressing problems facing our Nation.

This bill establishes the quarterly adjustment of the price support level for milk to assure dairy farmers that the price assurance provided through the dairy price support program will be more nearly attuned to the cost of milk production. As amended by the House of Representatives, the support level for milk would be increased to 85 percent of parity.

The Senate has twice passed legislation embodying these features—and by substantial margins—in the last year.

For the past several years, dairy farmers have been caught in one of the tightest cost-price squeezes ever encountered. Production costs have skyrocketed but milk prices have not kept pace.

In 1972, we produced almost 120 billion pounds of milk in the United States. That year the milk supply was in very close balance with the demand for milk and dairy products. During late 1972 and early 1973, prices for milk and dairy products began to rise seasonally. Unfortunately, rather than permit market forces to operate so as to bring forth the additional production needed, the administration ordered repeated expansions of dairy product imports for the express purpose of depressing prices.

While these sections were not immediately successful, the ultimate result was the accumulation of inventories of dairy products in this country and a decline in the farm price for milk of almost 25 percent from March to July of 1974.

While dairy prices have recovered recently, producers are still not meeting production costs, and some of the improvement has been due to reduced feed costs. And the outlook at this point is uncertain as to what will happen to feed costs in the future.

In Minnesota, we have always been proud of our dairy industry. In spite of the Flanigan report, I would not concede that our dairy farmers are less efficient than producers in any other country.

But today that industry is threatened. During the last 2 years, 5,000 Minnesota dairy farmers quit. Right now, the number of dairy farms in the State is at an all time low.

In the past, declining numbers of dairy farmers and dairy cows has been made up for by larger units and higher production per cow.

We are not certain how fast dairy farmers can respond to the need for increased production. And we need to face the cold, hard fact that despite the willingness to put in 7-day weeks, 52 weeks a year, the dairy farmer just is not receiving enough return to provide the living needed for his family.

We all know what inflation has done to our economy. On the farm it has been even sharper. Fertilizer, fuel, feed, equipment, taxes, interest rates—every item the producer faces has increased in cost in the last few years. In some cases, these increases have been as much as 200 to 300 percent. Only recently have these trends slowed down with the recession.

The dairy farmer has witnessed the erosion of his investment. In August

1973, the average dairy cow in Minnesota was worth \$590. The total value of the State's milk cow inventory was \$537.7 million. Two years later, the average dairy cow in Minnesota was only worth \$355 and the value of the State's dairy herd had eroded to \$310.6 million.

Faced with this situation, the dairy farmer has had little alternative. He has been forced to cut back. For some, this has taken the form of culling herds more closely. For others it has meant reductions in rates of feeding. For all too many others, the choice has been to leave the business entirely.

As this has been done, we have seen milk production fall. From the balanced situation we saw in 1972, when production was almost 120 billion pounds, we saw it drop to 115.4 billion pounds in 1973; 1974 production was almost identical with the 1973 level.

While milk production has gone up by 1.9 percent in November over the same month in 1974, total production for the first 11 months of 1975 was down 0.1 percent over the same period last year.

November milk production in Minnesota was a modest 1 million gallon increase over the previous month, but was 3.2 million gallons or 6 percent lower than for November 1974.

Minnesota's milk production for the first 11 months of 1975 was 706.9 million gallons which is down 35.4 million gallons or 5 percent below the same period last year.

Unfortunately, the Department of Agriculture has again resorted to scare tactics as to what this bill might cost consumers. They claim that this bill could lead to price increases of 3 cents per half gallon of milk, 7 cents per pound of butter, and 4½ cents per pound of cheese.

But we have learned to discount the USDA cost estimates. And we also know that reduced milk prices paid to farmers result in little benefit to our consumers.

In early 1974, prices paid to dairy farmers declined by almost 25 percent, but there was almost no change whatsoever in prices paid for milk at the supermarket.

Our urban consumers have seen that the Nixon-Ford-Butz roller coaster farm prices do not serve their interests. It is far better to assure farmers a reliable income so that they at least have the opportunity to make a fair income.

This bill would not result in any purchases at present since market prices are well above the 85-percent support level. And while some purchases may be required during the spring flush period, this is a small price to maintain some stability and keep our producers in business.

I would like to share the projections prepared by the National Milk Producers Federation which indicate two things: First, a support level of 85 percent is needed to induce enough production to meet our needs; and second, the Government cost of these programs will be minimal.

The following is the production-consumption data on which this conclusion is based:

December 18, 1975

CONGRESSIONAL RECORD — SENATE

	In billions of pounds		Estimated	
	1974 actual	1975 projected	1976	1977
Production.....	115.4	115.0	116.0	117.0
Imports.....	2.9	1.4	1.7	1.7
Beginning inventory.....	5.2	5.8	3.7	3.0
Total supply.....	123.5	122.2	121.4	121.7
Ending inventory.....	5.8	3.7	3.0	3.4
Total use.....	117.7	118.5	118.4	118.3
Exports.....	1.2	1.0	1.0	1.0
Fed to calves.....	1.6	1.4	1.3	1.2
Military.....	1.1	1.1	1.1	1.1
Civilian use.....	113.8	115.0	115.0	115.0

The assumptions on which these projections and estimates are made are reasonable and conservative. Imports are projected at the norm which has prevailed for several years, somewhat higher than those for 1975. The "fed to calves" figure is declining, because there are fewer cows—and calves—on farms.

Civilian use, which has shown an increase in recent years, is projected as stabilizing with the slight per capita decline in consumption offset by the increased population total.

There have been extensive hearings on this bill both in the House and the Senate which have detailed the problems of dairying and particularly the ever increasing production costs.

The consensus of the recently held field hearings by the House Agriculture Committee supported the two provisions of this bill as being essential to restore stability in dairy production and reverse the present trends which could lead to shortages in dairy products.

For our Nation's best long-term interests, imports are not the answer. Instead, the answer is to encourage our dairy farmers to maintain a production sufficient to meet our needs.

Even at 85 percent of parity, these figures paint a grim picture which I hope proves to be too conservative. It shows that in the current year and in 1976 we will be using more dairy products than are available to us through production and imports. Because dairying requires several years to redevelop production, these figures show that setting supports at 85 percent of parity now will barely correct this situation by 1977.

That is why, if we are to maintain adequate dairy supplies, it is necessary for us to make this adjustment now—to give dairy farmers assurances through an 85 percent of parity support level that it will pay them to stay in dairying and to produce our needed dairy supplies. The longer we wait, the longer it will take for this situation to correct itself.

Mr. President, as originally passed by the Senate, the joint resolution provided that—effective for the period beginning on the date of enactment and ending on March 31, 1979—the Secretary of Agriculture would be required to adjust upward the support price of manufacturing milk at the beginning of each quarter to reflect any estimated increase during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and farm wage rates.

As passed by the House, the resolution provided that the date for the termination of the quarterly adjustment would

be March 31, 1978, instead of March 31, 1979, in order that this legislation would again be considered when new farm legislation involving other major commodities is considered.

The House also added an amendment which required that the support price for milk be established at 85 percent of the parity price therefor.

The Senate conferees were readily agreeable to the termination date change and found the House persuasive in respect to the 85 percent support price for milk. As a result, the Senate receded to both amendments.

Mr. PRESIDENT. There has been some controversy regarding the cost of the conference report on Senate Joint Resolution 121.

As usual, the Department of Agriculture has estimated a cost figure which I feel is unjustified.

As a result, I had a cost estimate prepared.

That cost figure is substantially less than that as determined by the Department.

Based on an assumed production of 116 billion pounds of milk in 1976-77, and 117 billion pounds in 1977-78, and civilian consumption estimated at 115 billion pounds in each marketing year, the net increases in costs above the 1975-76 costs amount to \$27.9 million during the first year of the new program and \$44.2 million in the second year of the program.

Mr. President, I ask unanimous consent that these cost determinations be made a part of the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

	1975-76	1976-77	1977-78
Milk production (billion pounds).....	115	116	117
CCC purchases:			
Nonfat dry milk (netreprovals; million pounds).....	330	330	330
Additional milk, butterfat and nonfat solids; billion pounds.....	0	0	0
CCC cost, 85 percent parity with quarterly adjustment (millions):			
Nonfat dry milk.....	\$200.0	\$220.1	\$231.1
Butter and cheese for program use.....	63.0	70.8	75.6
Total.....	263.0	290.9	307.2
Use for Government distribution at cost (millions).....	103.6	114.2	121.3
Net price support cost (millions).....	159.4	176.7	185.9
Increase in CCC cost from 1975-76 (millions).....		27.9	44.2
Increase in CCC cost less cost for Government distribution.....		17.3	26.5

The National Milk Producers Federation contends that increased population and need to rebuild commercial stocks will require 1 billion pounds additional milk for 1976-77 and another 1 billion pounds for 1977-78.

It is assumed that CCC will purchase the same amount of nonfat dry milk for which no butterfat purchases will be made for each year.

Government program use will not be less than for the 1975-76 marketing year.

Program costs estimates based on USDA projections of price support levels at 85 percent with quarterly adjustment.

Mr. BELLMON. Mr. President, Senate Joint Resolution 121, which involves the milk price support program is a good

example of legislation which creates great trouble for the budget. It was just last week that Congress fixed budget ceilings—ceilings which totaled \$408 billion in budget authority, \$374.9 billion in outlays resulting in a deficit of \$74.1 billion. Most of us did not like that deficit of \$74.1 billion but we recognized that it was the product of current law and current economic conditions. So, by an overwhelming Senate vote of 69 to 23, we approved this budget. Now, only a week later, we are faced with a piece of proposed legislation which would add to that huge deficit of \$74.1 billion.

The budget we approved such a short time ago included in function 350—the agriculture function—total budget authority of \$4.1 billion and outlays of \$2.6 billion. Existing programs based either on enactment this session or in prior years—including the existing milk price support level of 80 percent parity—cause the totals in this function of the budget to reach the ceilings. We have no room in this function for increased Government support levels.

Yet, Senate Joint Resolution 121 would ask us to increase the milk support price level from 80 to 85 percent of parity. The actual cost to the budget of this change in support price will depend on future market prices and thus we are forced to use historical patterns and future expectations regarding market prices; nevertheless, according to the latest USDA estimates, the budget cost of the changes will approximate \$90 million for fiscal year 1976, \$35 million for the transition quarter, \$290 million for fiscal year 1977, and \$120 million for fiscal year 1978.

These numbers total \$535 million—extra dollars to be spent over the level to be spent if the price support level is left at 80 percent. And these extra dollars are dollars we do not have—they will breach the targets set in the agriculture function. This resolution itself is not subject to a point of order but it will break the agriculture budget and the increased cost of milk support prices will simply crowd out of the budget something else which was anticipated. This crowding out will possibly occur next spring and it might involve agriculture or it could involve some totally unrelated item.

Support price payment items are no small part of the agriculture budget. In fact, the agriculture budget targets set last spring had to be moved up by \$583 million this fall due to increased commodity payments. Such payments are part of the so-called "uncontrollable mandatory entitlement programs" which have been discussed on this floor so many times this year. These are the programs which create automatic expenditures to anyone who meets the qualifications mandated by the law. By expanding these kinds of programs or expanding benefit levels in existing programs, we are insuring that more and more of the budget will be "uncontrollable," and less and less of the budget will be available in future years to meet the priorities deemed most important at that time.

I urge my colleagues to return this resolution to conference so that the support level can be put at 80 percent of parity, a level which the marketplace is

used to and a level which our budget can afford.

Mr. HUMPHREY. Mr. President, I move that the Senate agree to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS FISCAL YEAR 1976

The Senate continued with consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Schneider and Mr. Bates be permitted the privilege of the floor during the consideration of the Tunney amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that Bob Jerome, of my staff, be permitted the privilege of the floor during the debate and vote on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, the majority leader has indicated that, in his judgment, a filibuster has been initiated. I do not know whether a filibuster will be maintained or not, but I think that some serious questions should be asked and answered in open session.

We have had the opportunity to discuss some of the issues in closed session; and I shared the opinion yesterday in our closed session that we spent far too much of the time in the closed session talking about things that were not directly pertinent to the question of aid to Angola. This morning, we were able to confine the discussion to the question of Angola, but we oftentimes had comments that were not pertinent to classified information but were general discussion matters relative to a policy decision on our foreign policy in support of an element struggling in Angola.

It was my feeling then, and it is my feeling now, that the public is entitled to have a clear and public expression of

Members of this body of their concerns and their view of the issues that are at stake with respect to U.S. policy. I think we need to do that on the record. We need to do it out in front of the public. That will be my purpose now—to try to raise some of the questions now that were raised in the closed session.

Let me say, parenthetically, that after having spent 3 hours yesterday and 2 hours plus today in closed session, seeking to determine what classified or secret information was available to us that bears on this subject, I have to conclude that the decisions being reached are being reached on the basis of matters that already have been almost fully reported in the press and that there is very little that bears upon our decision that has not been reported fully in the press already. I do not know whether that is a matter of comfort to the people of this country or whether that is a matter that might shock them.

I had hoped that we would discover in the closed sessions some factual information concerning our policy and the ramifications and the aims of our policy that was not already reported. I had hoped that we would find in the closed sessions some information that deals with or bears upon the motives, the aspirations, the involvement, and the goals of the Soviet Union in their involvement in Angola. I find that, again, all or virtually all of the information available to the Senate in making our decision has already been discussed fully in the public press.

I had hoped that we would find out something in the secret sessions about the involvement of South Africa in the struggle that is now going on in Angola. Yet, the discussions that we have had in these closed sessions indicate to me that the Senate has no information and that no information can be made available to the Senate in regard to the involvement of South Africa in the ongoing event in Angola, save those things which already have been discussed in public print.

I make that statement as a background, simply so that no one will be misled as to the reason why I asked at the time for the closed sessions. Not being on any of the committees which received these briefings or this information, as a matter of course, I had hoped to be informed by Members of the Senate who are thus privy to the information presented to them in those closed sessions, and I had hoped that I might be better informed and better able to make a decision with regard to our policy.

Having said that, let us look at what our policy decisions might be. Let us take a look at where we are, and let us determine, if we can, the effect of the Tunney amendment upon our involvement in Angola or, as a matter of fact, upon the general flow of our foreign policy. I think it is fair to state, from all the information—at least it is my conclusion from the information—that we did not start it; that, as Portugal granted independence to the native peoples in Angola and withdrew that remnant of colonial rule in Africa, there

emerged within Angola three different groups, each of whom was seeking to control the flow of government after independence was granted to them.

I think it is also fair to state that the record will indicate that each of these three movements has some popular support and that we have responded to the flow by joining others in support of two of three factions and, in effect, in so doing, against the third of the three factions, that faction being backed by the Soviet Union and supported, also, by some outside elements.

Those who argue that we should not be involved have pointed out that we should not be involved because the Soviet-backed element is the strongest, most well organized, and most dedicated, and therefore the most likely to win of the three elements involved; and, conversely, that we should not be involved in backing the two elements with whom we have chosen to affiliate our efforts because, being less strongly motivated and less dedicated and presumably weaker, they are bound to lose.

I asked one of the Members who had indicated that we ought not to continue our effort because it is bound to lose, and some of us who had said it makes no difference to the United States which one of the factions wins, that then it would seem to me obvious we ought to join the Soviet Union in backing the one element that is going to win because then we would be on the side of the winner, and it does not matter who wins.

If that is the kind of logic that impels us to a decision, I am distressed for the policy of this country and, incidentally, when I made that suggestion the people who said we ought not back losers because they are losers, said, "Well, but that is not the reason."

I simply suggested that certainly they must think we were joining the other side simply because the Soviet Union was involved on one side and we automatically took the other, and that seemed to me to be a very unwise policy, and the kind of a kneejerk reaction that does not bear upon the logical analysis of the situation that there are choices.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. McCLURE. I would be happy to yield without losing my right to the floor.

Mr. DOMENICI. My reason for interrupting the Senator from Idaho is that I have to leave the floor for a moment and I wanted to ask the Senator one question before I left.

Based upon everything you have heard, would you agree that if we adopt the Tunney amendment that we are effecting a major change in American foreign policy by adopting such an amendment?

Mr. McCLURE. I would say to the Senator from New Mexico I agree with him, although there are some people who support the Tunney amendment who are trying to persuade us that it is neutral in regard to the future course of American foreign policy.

I cannot view it as such, and I do not think the rest of the world would view it as such.

Mr. DOMENICI. I would say to the Senator that I am sure if we spend a

little time on the floor in open discussion and if we had expressions from both sides to supplement what was said in the secret sessions, then the public can judge as to whether we are changing America's foreign policy or not.

Let me ask the Senator one further question. It is my understanding, based upon everything we have heard to this point in time, that there have been no discussions, private or otherwise, Senate committees involved or the Senate leadership with the President of the United States. Does the Senator understand that to be the state of the facts?

Mr. McCLURE. I understand it.

Mr. DOMENICI. I would also ask whether or not there have been discussions directly with the Secretary of State on this issue prior to the presentation of the Tunney amendment.

Mr. McCLURE. I would say from all the discussions we have had for the last 2 days on the floor and from some rather detailed inquiry of the proponents of the amendment and those who are deeply involved in the appropriate committees in the development of policy, that they never presented any evidence of any statement by the President of the United States, that there was no hint that the Secretary of State of the United States made any statement to them nor had they sought that information from the Secretary of State.

Mr. DOMENICI. In all fairness, it is true a number of committees have inquired of various CIA officials and various State Department officials. However, my specific question is: To this point in time has there been any direct communication with the President of the United States, or with the Secretary of State, in reference to the effect of this amendment on the foreign policy of the United States?

Mr. McCLURE. I would have to say to the Senator there is no evidence of any such direct contact or direct input into the deliberations.

I think, in fairness, however, we should indicate that there are people within the CIA and within the State Department, including Assistant Secretaries of State, who have made such statements and, I assume, the proponents would urge that the positions articulated by these men are imputed both to the Secretary of State or the President. But there was no direct statement by the President, no direct statement or involvement in the statements by the Secretary of State.

Mr. DOMENICI. I say this to the distinguished Senator from Idaho and to my Senate colleagues because I am not one who usually participates in lengthy dialogs on the floor of the Senate. I am one who has said the Senate ought to be more involved in foreign policy, and I am one who has said the American people ought to be more informed on what we are doing.

It does appear to me if those who propose this amendment thought that it was a rather insignificant act, that there was another option that would still be open. That, as a matter of fact, we ought not to get in on the ground floor of a budding Vietnam. That in reality, with

the Russian massive buildup in Angola, and with Cuban mercenaries approaching between 3,000 and 5,000 in number already there, that what the world perceives and what the Soviet Union perceives to be the existing American policy may very well have seemed to change to then as a result of this particular amendment, whether or not the administration has another option yet to come down the line in a few weeks. That this amendment can be perceived as a major change in American foreign policy with reference to that part of the world and the activities of the Soviet Union.

I say that because it appears to me if that is the case, then regardless of what we think we are doing in terms of technical changes in the way we fund this kind of activity, it may indeed be perceived as far more than that and may, indeed, be far more than that because perception may be reality in foreign affairs.

Mr. McCLURE. May I say to the Senator from New Mexico that he has put his finger on the problem, the crux of the problem, that confronts many of us.

In spite of the urging of some who support the Tunney amendment, who say it merely leaves our options open or, putting it in another way, it gives the Congress of the United States an opportunity to express its will prior to the adoption of a foreign policy, that it is not going to be perceived that way by other people in the world who see that we do now have, as a matter of fact, a policy in Angola which will be, as a matter of fact, changed by the adoption of this amendment. I think the Senator from New Mexico is exactly correct.

Mr. DOMENICI. Just one last comment. I appreciate the Senator giving me this opportunity while he has the floor.

It appears to me that the issue that we are discussing is so intimately tied into the major issue of détente and our relationships with the Soviet Union that they cannot be separated. We do not purport in this amendment to be addressing the relationships with the Soviet Union as they exist today under the guise of détente. It appears to me that the long-term solution to the Soviet Union involvement in Angola and an ever-escalating effort on their part to take over that part of the world is ultimately going to be tied to détente.

Does America, indeed, change its policies with reference to détente and the Soviet Union or not? Is this the time that we should? If it is not, are we ever going to?

Are the economics between the Soviet Union and America, including the sale of technology, trade relationships, cultural exchanges, SALT II, and all those kinds of negotiations—could they not be the leveraging mechanism for just this kind of activity? And are we not throwing that leverage out the window when we completely change our policy on this one without exercising that kind of leverage?

That is what concerns me. I think that is clearly a prerogative of the executive. It ought to be explored with the execu-

tive. In fact, I believe that a sense of the Senate proposition telling the executive that we want him to exercise whatever leverage there is in that relationship, to make it clear that we do not want the Russians nor American equipment, nor other foreign powers, in that part of the world, would be a proper role for the Senate. Such a sense of the Senate resolution could say that we want to explore this kind of use of American leverage since neither the Russians nor Americans can win in Angola. Maybe they will all get out if indeed we exercise the type of maximum leverage that is unrelated to sending materials into Angola.

I leave with that and thank the Senator from Idaho for yielding.

Mr. McCLURE. I thank the Senator from New Mexico for making that statement, because it focuses on something I should have said at the outset that motivates the Senator from Idaho. That is that I wish the people of Angola were free to make their own decision about their own destiny without the outside interference of anyone. I do not want to see the United States interfering in their internal affairs. I do not want to see the South Africans or Soviets interfering in their affairs. I would prefer that the neighboring African states did not interfere in the internal affairs of Angola. I would prefer that these people be allowed to work out their own destiny in their own way, without the interference of anyone.

The fact of the matter is that other forces are involved, that the United States has responded, over a period of time, in a way which is perceived in the world, partly as a result of the discussions here in the Senate of the United States, as a direct involvement and that we cannot subtract that without signaling to the world that the Senate of the United States has directed a change in foreign policy of the United States.

I think the Senator from New Mexico is exactly correct.

Mr. DOMENICI. Just one final comment. I think that certainly, the Senator from Idaho and others will discuss the pros and cons of the actual strategic value of this piece of the world to the United States. There will be a very serious split of opinion as to whether it is valuable or is not. I wish to make it clear that to this point, I have not been talking about the fact that the Soviet Union may very well be changing its policy with reference to the direct intervention in another major country and, perhaps, in another major continent. That, in and of itself, becomes a matter of grave national concern to America. If that is a change in policy or an elaboration or an extension of a policy, then we have to look at it in terms of what options are available to us to make sure that it does not reach its final fruition or goal without any limitation placed upon it.

It is my opinion that the Tunney amendment sets no limit on the Russian policy and does not perceive its potential as a kind of open-ended change in Soviet policy with massive support and mercenaries taking over another country. It

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is in that context that I have discussed it with the Senator to this point.

Mr. McCURE. I say to the Senator from New Mexico, in response to that question, that I agree with his statement and I agree with the implications that will be read into actions by the Senate. That is one of the dilemmas that I think we face. When we discover a policy, whether we agree with it or not, we cannot directly move to stop that application of that policy without that, in itself, being a policy. We have never had the opportunity to adopt a policy. We in the Senate of the United States or in the Congress of the United States have not, until this time, congressionally adopted a policy or articulated a policy for the United States to follow with regard to Angola. That is a tragedy.

Mr. DOMENICI. I thank the Senator.

Mr. McCURE. I agree with some of my friends, the Senator from New York (Mr. JAVITS), the Senator from New Jersey (Mr. CASE), the Senator from Minnesota (Mr. HUMPHREY). They have all most eloquently stated the need for Congress to be involved in the application of foreign policy, particularly with respect to what we may or may not be doing in Angola, now or in the future. But I wish that we had been involved in the development of the policy. I hope that we will be involved in the development of the policy. But I do not think we can, in this context, adopt an amendment without that, in itself, being the adoption of a policy.

The Senators, some of whom I have mentioned, and others, have said this is too serious a matter to be decided by the Senate of the United States without any extended debate and without some hearings and without some very serious consideration of the implications of the policy. Yet, they would have us adopt the amendment which, in itself, is an adoption of a policy.

Mr. BUCKLEY. Mr. President, will the Senator yield for a moment?

Mr. McCURE. Mr. President, I shall yield to the Senator from New York if I may yield without losing my right to the floor, without the resumption being considered a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. McCURE. I yield.

Mr. BUCKLEY. Mr. President, I thank my friend from Idaho. I should like to dispose of some pending business.

EXECUTIVE PROTECTIVE SERVICE

Mr. BUCKLEY. I call from the desk H.R. 11184 and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 11184) to amend title 3, United States Code, to provide for foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. CRANSTON. Reserving the right to object, will the Senator explain the request?

Mr. BUCKLEY. This is similar to legislation that was adopted by the Congress 2 months ago, but which the President vetoed.

It had been adopted in both Houses by a very substantial majority. Since the veto we have negotiated a tighter bill. It provides for reimbursement under special circumstances, controlled by the Secretary of the Treasury, for any extraordinary expenses incurred in the protection of foreign diplomats coming to this country.

Mr. CRANSTON. Has action been cleared by Senator Randolph?

Mr. BUCKLEY. It has been cleared. In fact, an identical bill was reported out by the Public Works Committee yesterday. In addition, the chairman of the subcommittee (Mr. MORGAN) has authorized me to go ahead and call up this matter at this time.

Mr. CRANSTON. I have no objection. The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BUCKLEY. Mr. President, as I have stated, I introduced a companion bill, S. 2796, on Tuesday. The Committee on Public Works, yesterday, considered the bill and reported it by unanimous vote to the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-573), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 2796, as reported, is to increase by 350 the authorized number of Executive Protective Service officers and to direct the Service to provide, under certain conditions for extraordinary protective needs at foreign missions in cities where 20 or more such facilities exist. The Executive Protective Service would be authorized and encouraged to delegate this special protective service, under limited circumstances, to local police officials in those cities outside Washington, D.C., with reimbursement.

BACKGROUND AND NEED FOR LEGISLATION

Public Law 91-217 changed the name of the White House Police to the Executive Protective Service and expanded its responsibilities to include the regular protection of foreign embassies in the Washington, D.C., area and diplomatic missions outside Washington as the President may direct on a case-by-case basis. The authorized strength of the Service was set at 850 officers. Public Law 91-217 was written in recognition of the nation's obligations under international law and practice to take all reasonable precautions in assuring the safety of foreign diplomatic missions and their personnel. The Executive Protective Service also retained its responsibility to protect the buildings and grounds of the White House and Executive Office Buildings.

Since 1970, however, incidents of political terrorism have increased, along with the demands for protective services. A strong national interest exists in assuring the safety of foreign officials visiting the United States, whether those visits are to Washington, D.C., or other areas of the United States. Developments since the passage of P.L. 91-217 demonstrate the need for protective services wherever a substantial number of foreign missions exist. As this need has increased—and it could increase still further—local com-

munities should no longer be forced to bear the full cost of what is essentially a national obligation.

This in no way affects the day-to-day protection of foreign diplomatic missions, which remains the responsibility of local police departments outside Washington, D.C. But S. 2796 recognizes that there are instances of extraordinary protective need when Federal assistance is wise and justified. This legislation facilitates such assistance.

The validity of this assistance can be shown by the fact that the permanent and observer missions associated with the United Nations pay no property or other taxes or payments in lieu of taxes under Article 23 of the Vienna Convention and the Convention on the United Nations. Nor do those employees of the United Nations who are aliens pay local income taxes to help offset any costs that their presence in the city imposes on local government. About 4,000 of the 5,000 United Nations employees stationed in New York City are foreign nationals and thus exempt from all local taxes. To a lesser extent, a similar burden is carried by many cities.

PROVISIONS OF LEGISLATION

In addition to raising the personnel ceiling of the Executive Protective Service to 1200 officers from 850 officers, S. 2796 directs the Secretary of the Treasury to provide uniformed police protection at foreign missions in cases of extraordinary protective need in cities where 20 or more such missions are located. The following cities, according to State Department figures, have 20 or more foreign consular offices: Chicago, Houston, Los Angeles, Miami, New Orleans, New York City, and San Francisco.

To provide this protection, the Secretary must also find that the protective need was associated with the visit by a dignitary who, at some point during his visit to the United States, participated in the activities of an international organization of which the United States is a member, such as the United Nations. Or the Secretary must find that the protective need will occur at or outside either a permanent mission to such an international organization or an observer mission that has been invited to participate in the work of such an organization. Permanent missions are maintained by member states. Observer missions may be maintained by organizations such as the government of Switzerland or the Palestine Liberation Organization.

The authority for such protection is extended in the case of the cities with 20 or more missions to those places where the visiting dignitary may be staying, not simply the official mission site. Representatives of foreign governments and others who may create a situation leading to protection under this bill generally reside at a hotel, rather than at what might be defined under the strictest interpretation as a foreign mission, when visiting outside Washington, D.C.

This was the case during the visit to New York City in November 1974 of Yasser Arafat, the leader of the Palestine Liberation Organization. The extraordinary protection for that one-day Arafat visit cost the taxpayers of New York City in excess of \$700,000. To assure equitable treatment in such situations, this legislation covers the extraordinary protective needs provided at hotels or other facilities utilized by the visitor.

This bill offers two approaches to the actual extension of protection. The Secretary may dispatch the necessary complement of EPS officers from Washington. But S. 2796 provides the Secretary with new flexibility to utilize the services, personnel, equipment, and facilities of State and local governments, with their consent and on a reimbursable basis, to meet such extraordinary protective needs.

Following any decision that an extraordinary protective need exists under the terms

The northwest quarter of the southwest quarter of section 3, township 15 north, range 4 east, Boise meridian, Valley County, Idaho.
 SEC. 2. The conveyance authorized by the first section of this Act shall be made upon payment by Valley County, Idaho, to the Secretary of the Interior of an amount equal to the fair market value of such land, as determined by the Secretary after appraisal.

APPOINTMENT OF ADDITIONAL CONFERRER—S. 2718

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Kansas (Mr. PEARSON) be named as an additional conferee on the part of the Senate on S. 2718.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator from Virginia for a question.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding and compliment him on the statements he has made about the amendment that has been proposed by the Senator from California.

The Senator commenced his remarks by reference to the majority leader's comments about a filibuster on this amendment.

I was one who objected to a vote at a definite time, but the reason for my objection was that it was 10 o'clock in the evening and I do not think that is the time to vote on such matters.

I am ready to vote right now, so I am not participating in a filibuster in any way.

In fact, I may vote in favor of the Tunney amendment. I am inclined to do that. I do have a concern.

Perhaps the distinguished Senator from Idaho may be in possession of information that I do not have. I, like him, did not receive a great deal of enlightenment during the closed session of the Senate, either yesterday or today.

Mr. McCLURE. Might I say to the Senator parenthetically at that point, I believe we had some good debate in the closed session today, but the debate was not really bearing upon matters that were classified or secret and that could not have been debated in full public view.

Mr. WILLIAM L. SCOTT. I agree with the Senator. That, in effect, is my thought also. I am interested in what the administration and what the Department of State may or may not have done in this situation that might relate to this concept of détente, and whether or not we can compartmentalize détente; whether we can say, "We will sign agree-

ments with you and we would like to get your signature on almost any agreement. We feel we have accomplished something because you signed a piece of paper." Then be friends with the Soviet Union, normalize relations with Cuba, and attempt in some manner to combat the activities of Cuba or Russia in Angola.

It seems to me that when we talk about friendship we have to be a friend worldwide. We cannot be a friend in one part of the world and be conducting some type of antagonistic effort in another part of the world. It seems to me through diplomatic channels the President of the United States and the Secretary of State should indicate to the Soviet Union and to Cuba that we would like to normalize relationships; that we would like for all of the nations within the family of nations to be friends, one with another.

I do not think there is any doubt that one has to be a friend to have a friend. This means that one does not go around in various parts of the world and attempt to establish bases, attempt to take over a newly formed independent nation.

It seems to me that Russia is badly in need of grain. I am advised that Russia does have problems with regard to feeding its population. I am not opposed to assisting a friendly, needy nation anywhere in the world.

I understand we have been helping Russia with regard to some truck factories, with regard to computers; that we have been trying to help them develop their oil resources.

I am opposed to doing that sort of thing when Russia is acting as a friend as long as we are doing this but then goes into another part of the world and does not act in a friendly fashion.

As the distinguished Senator knows, as a lawyer, there is such a thing as mutuality in every valid contract. There is consideration that flows in both directions.

It just appears to this Senator that most of the consideration in our contact with the Soviet Union is flowing out of this country and into the Soviet Union. I do not see the mutuality in these agreements.

I wonder if the Senator has heard any mention made in our discussions here in the Chamber about diplomatic efforts having been made by the State Department, in effect, to say to the Soviet Union: "If you want the friendship of this country, if you want our assistance in the way that you feel you need our assistance, are you going to be a friend and show your friendship throughout the world by your actions as well as any words which you might utter?"

Would the distinguished Senator have any comment on that?

Mr. McCLURE. Let me respond to the distinguished Senator from Virginia in this manner, if I may.

First of all with respect to whether or not in the closed sessions we developed any information concerning State Department or diplomatic initiatives with regard to the Soviet involvement in Angola—and I think there was nothing of a classified nature stated there and I think, as a matter of fact, the only information—

Mr. WILLIAM L. SCOTT. I would not ask the Senator to disclose any classified information.

Mr. McCLURE. I am aware of that.

The only information that was disclosed or discussed was that the State Department has sent a perfunctory note, or at least they sent a note and received a perfunctory reply, and they may have followed that up with a perfunctory response to the perfunctory reply. In other words, practically no diplomatic initiative directly bearing upon this issue, so far as the Soviet Union is concerned.

Let me state further that I do not regard the policy of détente, as I understand it to have been articulated by Secretary Kissinger, by President Nixon and President Ford, as being a statement of friendship between the United States and the Soviet Union. It is, instead, a policy under which the opposing forces in the world may live together without immediate armed conflict and with a lessening of tensions which lessens the likelihood of the outbreak of armed conflict.

I do not believe the policy of détente ought to be confused with the statement of friendship that we would all desire occur.

Mr. WILLIAM L. SCOTT. The distinguished Senator will recall that statements have been made after conferences with the Soviet Union and other Communist nations that while we have a different type of government, and while we may not agree as to all matters, we do want to live together in peace and settle our disagreements by negotiation rather than settle the differences through any type of armed conflict.

I believe such statements as this have been made in general from time to time.

I submit that the Soviet action in Angola, as I understand that action to be, is not in the broad, general spirit of détente as it is generally understood to be, whether we call it friendship between nations, toleration of nations, or living together in the absence of any armed conflict.

Would not the distinguished Senator from Idaho agree that the executive branch of the Government should, in some way, convey to those who have either military personnel or military advisers in Angola that this Nation views with concern their presence there, and that it might very well jeopardize this spirit that we have been trying to accomplish over the past several years?

Mr. McCLURE. Mr. President, I would reply to the Senator's question in this fashion: I believe there are a number of things which can be done. I agree totally with the sentiment expressed by the distinguished Senator from Virginia, that we should use diplomatic channels to indicate to the Soviet Union, and to other external participants in the internal affairs of Angola, that we believe the Angolans ought to be able to make up their own minds without outside interference.

We should express our concern to the Soviet Union about their involvement in attempting to back a less than one-third segment of the society in Angola in order to subvert and to impose their will upon two-thirds of the people of Angola. I

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would hope that we would also utilize the diplomatic channels that we can utilize to put pressure upon Cuba, which is the indirect pawn of the Soviet Union and a direct participant in Angola to the extent of 4,000 to 5,000 troops actively involved in combat operations, using the Soviet Union equipment supplied to that one section in Angola in an attempt to extend Soviet administration and dominance over the lives of the people in Angola.

Mr. WILLIAM L. SCOTT. Is it not a fact that this country has had an express foreign policy over the years of self-determination for all the nations of the world? This has been our expressed foreign policy; and would it not be consistent with the expressed foreign policy of this Nation to call that to the attention of the Soviet Union or other nations that have troops or military advisers in the African nation, and urge them, in the general overall spirit of détente, that they should withdraw from Angola?

The real thrust of my thought is that any foreign policy such as détente not be compartmentalized. In my opinion, it is not realistic to practice détente in one part of the world and not have it apply in other areas of the world. Would the distinguished Senator agree with that?

Mr. McCLURE. I would agree with most portions of the statement of the Senator from Virginia, particularly one point, in regard to the expression of the opinion to the Soviet Union that détente is indeed threatened by their continued intervention in Angola; and second, that it is the policy of the United States and it ought to be the policy of the United States to support the right of self-determination of all people in all countries.

We have for many years supported a declaration in the captive nations treaty wherein we have said to the people of the world that we still look back with abhorrence at the dominance of the lives of the people in Latvia, Lithuania, and Estonia by the Soviet Union; that we do not like the interference in the lives of the people of Finland; that we abhor the interference in Hungary, when the Soviets sought to change the lives of the people there; that we have never liked the interposition of the Soviet Union in Czechoslovakia.

We believe the people of Czechoslovakia should have the privilege of making up their own minds what kind of government they should have. We support and applaud the efforts of the people of Poland to free themselves from the dominance of their massive neighbor to the east.

But we should be no less concerned about the rights of the people of Angola, simply because they are a small and less developed country. As a matter of fact, perhaps we should be more sensitive to their right to make their own determination in their own way, simply because they are small and less developed than some of these other nations.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's yielding. Of course, I would like for our country to be concerned about the welfare of the small nations of the world, for self-determination by all of the nations of the world;

but I also have a concern that we not become involved in the affairs of another nation without Congress having complete information, without Congress participating in the policymaking decision. Although some individual Members of Congress may have been consulted, I am not aware of the Congress as a body being involved in the situation in Angola. I certainly do not want this to develop into any type of affair that would involve the use of American troops.

The distinguished junior Senator from Illinois (Mr. STEVENSON) has a sense of the Senate resolution which, in effect, calls upon the executive branch of the Government to endeavor, through diplomatic channels, to encourage the Soviet Union and other nations, without naming them, other nations involved in the Angola affair, to withdraw and to permit that nation to determine its own internal affairs, to govern itself.

I intend to support that sense of Congress resolution in the event that it comes before the Senate for consideration. I understand it is cosponsored by the distinguished Democratic whip, and I believe other Senators have cosponsored it also. I believe it is a good resolution. I would amend it somewhat to indicate that this Nation will, to an extent, govern its future relationship with the Soviet Union by the actions that the Soviet Union takes in Angola and other countries, so as to say that détente is worldwide, that if it is going to work at all it has to work all over the world, and that it cannot work in one nation without working in the others.

I have infringed upon the Senator's time, but I thank him for yielding.

Mr. McCLURE. I thank the Senator for his contribution to the discussion and the questions that he has raised.

The latter subject that he referred to, the resolution of the Senator from Illinois (Mr. STEVENSON), appears at page S22539 of the CONGRESSIONAL RECORD, being the record of the proceedings in open session yesterday. I am told that the Senator from South Carolina (Mr. THURMOND) also has a resolution in slightly different terms, but directed toward the Senate amendment. I am told that at least two other Senators are sponsors of a third resolution with something of a similar aim, directing the Executive to become involved in very positive diplomatic efforts to bring pressure to bear on those who would subvert the internal processes of Angola to their own ends.

I am perfectly willing, as one Member of the Senate, to support appropriate efforts directed toward that end.

I would hope that we would change our policy that now exists until we have a quid pro quo for the change, and I think that is the very importance of the question we are involved in.

I yield to the Senator from Oregon under the previously stated conditions.

Mr. PACKWOOD. Mr. President, I think the Senator from Idaho has put his finger on it, and I would like to engage in some colloquy with the Senator from California.

We are talking about three different things here, really. We are talking about

the resolution of the Senator from Illinois, which is almost an embargo theory because it does not relate just to the Soviet Union; it relates to any nation, as I recall his words, that persists in involving itself in Angola. That could be Zaire, South Africa, France, or any nation that persists in involving itself.

That could be worthy of consideration, although not hasty consideration, by the Senate.

Then we are talking about détente, our relations with the Soviet Union, specifically whether we should require a quid pro quo; should we send them Ford Motor Co. machinery if they do not get out of Angola?

Then third, as I understand the amendment of the Senator from California he is, in essence, saying what our unilateral policy should be toward Angola regardless of détente, regardless of whether or not we adopt the Stevenson resolution.

Is that a fair statement?

Mr. TUNNEY. The question as to what we ought to do with Angola irrespective of what the Russians do is one that we could spend a good deal of time on. I am happy to offer some thoughts to the Senator from Oregon if he cares to listen to my opinions on the subject.

Mr. PACKWOOD. I wish to hear them. As I understand the specific amendment, and I shall be fair, I think the world as well as this country is going to read it, and the headlines are going to be "Senate Rejects Angola," or words to that effect; they are not going to get into the niceties. This is one bill and one appropriation. I think that it is a philosophically fair conclusion to draw from the debate that this is going to be our policy, if it passes, toward Angola and may be correctly a harbinger of what our policy ought to be toward involvement in Africa at all.

Mr. TUNNEY. What the amendment does is to make it very clear that the United States cannot send military equipment to Angola, nor can it send money to another country which in turn will then make the purchases of military equipment for use in Angola, but there is nothing in my amendment that prevents economic aid from being given to Angola. There is no reason why we could not participate in giving assistance to all sides. We could give humanitarian aid.

Mr. PACKWOOD. I stand corrected on that because the amendment of the Senator is clear in that respect. In addition, we could gather intelligence in Angola if we wanted to because the amendment has exempted intelligence gathering.

Mr. TUNNEY. Yes.

I wish to point out to my friend that we now know that the Gulf Oil Co. has made a very large payment of money, approximately \$100 million, that has been placed in the bank in Luanda of which the MPLA has now control since the Portuguese pulled out on November 11. In effect what has happened is that we have the Gulf Oil Co., an American corporation, with a subsidiary in Angola, drilling for oil, having made a very substantial \$100 million payment to the side that is being backed by the Russians, and

our Government apparently did nothing to prevent that payment from being made. It is my understanding that another substantial payment is due in the very near future, and that there was an agreement that \$500 million would be paid in the form of royalties by Gulf to the bank in Luanda, which would then be available to the government that was in control and that government which happens now to be the MPLA.

Initially there was that provisional government that was made up of all three factions, UNITA, the FNLA, and the MPLA. But the other two factions withdrew and so now the MPLA has total control over these funds.

I only say to my friend that, if we have a policy which on its face is operating at such cross purposes as to allow, on the one hand, an American corporation to make those kind of payments to the faction that we are now supplying arms against, it really deserves some very special attention on the part of Congress before we make any arms available.

I say to my friend that, if we are going to make arms available, it ought to be done through the route of the Foreign Military Assistance Act, and we ought to have the Committee on Foreign Relations go into it, as the Senator suggested earlier. We ought to have a clear definition of what American policy is, what America's interests are in Angola and other parts of Africa. We ought to have a clear understanding of what our State Department and CIA perceive to be the Soviet goals in Angola and in other parts of Africa and then make a decision based upon those facts.

What very deeply concerns me from my own private investigation—and these are conversations that I have had with members of the CIA and State Department officials, and conversations that my staff has had—is that there really does not seem to be any centrally controlling objective of American policy in Angola. That is what I consider to be so dangerous.

Mr. PACKWOOD. I think we are making a central policy, and I am inclined to agree with it, but when we vote on the amendment of the Senator from California I think we are making a central policy in this Congress for better or for worse.

What we are saying is that no matter what happens, no matter what happens in Angola, it cannot be worth the risk of American involvement, with American troops and American military equipment.

Earlier today, and I cannot remember whether it was in closed or open session, but the information was not classified, we tried to determine if we knew what the Russian intentions are. We do not know. We have no idea what the Russian intentions are.

We do not know if they plan to go in and wipe out the entire politic as they practically did in the Baltic countries and make it a Russian puppet populated by Russians. We do not know if they plan to put in half a million troops and hold the country by force against the will of the people or whether they are going to try to influence the govern-

ment through economic and military aid and keep their own personnel out.

We have to operate under the assumption they might do the worst, but we do not know. That is one.

Second, we are saying if Russia wants to make the mistake, in our judgment, the mistake of holding Angola by force of sending in a half-million troops, and probably Russia could hold Angola with a half-million troops, if Russia wants to make that mistake, Russia is probably writing off the rest of black Africa, probably writing off most of any chance to subvert South America, because every nation would very clearly see what Russia had in mind and would have no truck with them, would have no dealing with them, and would probably make our job in terms of gaining allies infinitely easier.

If Russia chooses not to do that, if Russia comes up with a hope and prayer and some material in hopes they can get a government that will be a Soviet-leaning government on every occasion, then I think they are mistaken. Nationalism is rampant. Angola is going to go the way it wants unless it is subjected and held down by literally Russian military personnel. If that is the case, if this even ends up being a Communist government but an independent Communist government we can deal with them.

We dealt with Yugoslavia. We are dealing with China. We learned to deal with Communist governments around the world, including some of the Eastern European ones. Where Soviet troops have occupied them, the countries have endeavored toward the West. That we can deal with.

I would be surprised if Russia were to put massive troops into Angola and try to hold Angola on the basis of sheer brute force. But they might.

It seems to me, therefore, that our policy wisely says for better or for worse we are going to leave Angola to the Angolans. If Russia chooses to intervene, because we think our best interest cannot be served in any event by either trying to fight to keep the Russians out or involving ourselves, we think that whatever Russia does in that case we will come out the winners.

Is that a fair statement of where we are headed?

Mr. TUNNEY. I think that is a fair statement as to where we are headed assuming that the Foreign Relations Committee in their consideration to the Foreign Military Assistance Act takes the same kind of action on that bill as we are taking on this bill.

I cannot see any justification for an intervention by the United States in Angola. One of the things I should like to point out to the Senator from Oregon is that reports that have come to me indicate that in black Africa there are many leaders who are wondering why the United States is so quick to intervene in Africa, when we did not participate in the U.N. debate and the various attempts to get resolutions through, condemning the racist policies of South Africa, Southwest Africa, and Southern Rhodesia.

There is no doubt that the reason why

we did not participate in those debates in a meaningful way was that the United States has had a very special relationship with South Africa. We have many economic interests in South Africa. We have done a great deal of trade with South Africa. Much of our mineral supply in this country comes from South Africa in an unprocessed form or processed form as it is brought to this country to maintain our high technology society.

Yet, the leaders in black Africa are wondering why the United States is so quick to put up \$60 million for war in Angola, when we would not participate in these U.N. resolutions and debates in connection with condemning racism in South Africa.

Another point that I think is important is that for 2 years we have been cutting back on our economic aid to Africa—not just Africa, but other parts of the world as well. When we look at the kind of commitment we have made in the form of economic aid to black Africa and then look at the kind of money we would be willing to put in for military equipment in Angola—after the Russians came in or in a contemporaneous fashion with our own efforts to supply our military equipment—it is made clear to many Africans that the United States really has no interest in their economic development, in the kind of society they are trying to restructure for themselves, the quality of life that they are going to have in the future, but that the United States is only interested in Africa as it relates to a defensive ploy to counteract any maneuvers that the Soviet Union has undertaken in Africa.

It is of particular importance to look at this in the context of one statement that was made to me by a man who had spent many years in Nigeria. In the late 1960's, he was particularly friendly with one minister in the Nigerian Government, and this minister said—

The only way we could interest the United States in Nigeria, to give us aid, is apparently to invent a Communist party.

In other words, at that particular point in time we were giving much more aid to Ghana, which looked as though it might slip into the Communist fold. So we were prepared to put money into Ghana, but we were not willing to do anything for Nigeria, which was considered our friend and safe.

So this rather pathetic statement was made by a minister in Nigeria:

The only way we can get aid from the United States, apparently, is to invent a Communist party, and then maybe they will give us some aid.

Mr. PACKWOOD. Mr. President, I think there is a consequence to Russia's actions, and it is negative to them. Today we heard how Russia, with brute force, tramped into Hungary and Czechoslovakia and did not care about world opinion. What that probably cost them was control over all of the Communist parties in Western Europe. Today, if the Communists were to win an election in Italy, it would not be a Russian Communist party, because they have seen the brutality of Russia. Russia knew that

when they chose to choke off Czechoslovakia and Hungary, and that is a decision they made. If they choose to go into Angola with force, they are going to lose more than they will ever gain. They will be able to hold Angola, but they will lose the rest of the area.

Assuming that this amendment is adopted and similar language out of the Foreign Relations Committee, our policy will be that, henceforth, American policy toward Africa will be nonmilitary involvement, regardless of détente, regardless of the actions of other nations.

Mr. TUNNEY. I concur with the Senator's conclusion. That is about as succinct an expression of what this amendment is as I have heard on the floor.

Mr. PACKWOOD. I thank the Senator.

Mr. McCLURE. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina without losing my right to the floor, that any resumption by me not be considered a second speech, and that under no circumstances I lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the distinguished Senator from Idaho. Mr. President, the Tunney amendment presents us with an unacceptable choice. On the one hand the distinguished Senator from California is asking us to stop the executive branch from giving any military assistance directly, or indirectly, to strife-torn Angola; while on the other hand the executive branch proposes to use funds in this appropriation bill to provide Angola with at least \$60 million in military aid. We are asked to vote for either one or the other. It is clear that the Soviet Union has made a major thrust in Angola, providing top-quality weapons and an undetermined number of Soviet personnel to assist the MPLA. It is also clear that Castro has sent 4,000 trained Cuban troops to fight on the Communist side.

Thus, on the one hand, if we vote with the distinguished Senator from California, we seem to be saying that the executive branch has no authority whatsoever to respond to threats of violence outside the United States, no authority to take steps to throw up barriers to the spread of communism through force, unless approved in advance by the Congress of the United States. But on the other hand, if we vote against the Tunney amendment, we seem to be giving a vote of approval to the way in which the executive branch is conducting its policies. If the issue had not been forced here today, there would have been no implication that the Senate had participated in approving or disapproving our policies in Angola.

Unfortunately, the issue has been forced. It is within the purview of the executive branch to conduct foreign policy on a day-to-day basis. We have traditionally given the executive branch discretionary funds for the conduct of foreign policy, and they have been used in the conduct of policies such as have been followed in Angola. Let it be clear that the United States has not entered into a war in Angola. We have supplied arms, but we have not put troops or advisers

into Angola. The scope of the war powers is not under consideration here. What is happening here is an effort to force the issue of covert action before the Senate Select Committee on Intelligence has completed its work and made its recommendations, and before any consensus has been reached in this body about the nature and purpose of that kind of activity.

But now that the issue has been forced, there is no way to run away from it. It is a very difficult choice to make for someone who believes that this Nation desperately needs to resume a world leadership position, and to defend our traditional values of human rights, private property, and spiritual freedom against the advance of communism. When communism uses naked force and internal subversion to conquer an increasing proportion of the earth's territory and subjugate the people who are unfortunate enough to live in the conquered territories, it is our proper role to work to restore freedom to those areas. Frankly, we cannot say that it is none of our concern. As the proportion of the global scope of activity is narrowed, the choices that we, as a Nation, can make grow fewer and fewer, and eventually we will be so restricted that our independence as a nation—and the freedom that independence guarantees us—will be in jeopardy.

But is the choice as simple as it seems? Must we abandon our role as the leader of the free nations—as is implied in the amendment of the Senator from California? Are we voting here for a choice between freedom and communism for Angola? By no means.

If we adopt the amendment of the distinguished Senator, we force the executive branch to do nothing at all. But by doing so, do we deliver Angola into the hands of the Communists? Given the measure of Soviet determination displayed here, it is most likely that Angola will fall into the hands of the Communists, with all that such a collapse implies: The deliverance of the Angolan peoples into a Stalinist terror, the loss of mineral resources that can help sustain the freedom of the West, a base from which Soviet forces can threaten South Atlantic shipping lanes and project guerrillas over the border into the territory of South West Africa.

But if we reject the Tunney amendment, what do we get? The word is out. The millions of dollars which the administration is throwing into Angola are not for the deliverance of the people there or for the securing of the territory from Communist domination. The millions of dollars are for securing another "negotiated settlement." The State Department has, in effect, admitted that this is the case. Indeed, it appears that some spokesmen for this point of view thought that they were putting forth a strong card in bidding for a "negotiated settlement."

The Senator from North Carolina wishes to say that he will never be part of any negotiated settlement. We have seen these negotiated settlements stalemated in Korea, imposed with indifference in Laos, and thrust brutally upon

Vietnam. Is there anyone in this Chamber or in the cloakrooms or in the offices in the Dirksen or Russell building who does not believe that a "negotiated settlement" is negotiated surrender? Have we not learned the lesson of what happened in Vietnam? Do we not realize that the negotiating process for the Communists is simply a method to entrench their positions more firmly? Do we not recall how the Vietnam settlement left the Communist troops firmly in control of their enclaves in South Vietnam, and left them loopholes for resupply of those troops? Do we not remember what a demoralizing effect the "settlement" had upon South Vietnam as a nation?

I ask whether any Senator thinks that the Cuban troops would be removed from Angola under such a negotiated settlement, and whether the Soviets would withdraw their supplies and personnel? After the experience which this Nation has had under the negotiations conducted by Dr. Kissinger in the past, no one could say with assurance that the Soviets would withdraw, or would give up any of the advantages they now hold. Indeed, I can say right now that to press for such key concessions would bring charges that such firmness would threaten the "delicate state of détente. I can hear it now. I can hear the walls that we might even endanger the SALT II negotiation. I say, Mr. President, "So what?"

Mr. President, the sad fact is that it is better to pull out at once, than to enter into a protracted negotiation leading to the ultimate takeover of Angola by the Communists in any case. The Tunney amendments—which I do not like; I wish it had never been submitted—is nevertheless offering us the choice of outright abandonment of our responsibilities or a negotiated abandonment of our responsibilities. That has been made clear in the closed sessions of the Senate, yesterday and today. The first is quick and cheap; that is the Tunney amendment. The second is long, protracted, painful, and expensive. Both arrive at the same ultimate end.

The comparison of Angola to Vietnam is valid only because we are deliberately making it another Vietnam. What makes it a Vietnam are the restrictions, the obstructionism, and the painful trap of negotiations. Do we not remember that in both Korea and in Vietnam we had more casualty losses after the negotiations began than before? Vietnamization is a state of mind which presents us with immoral choices. Those are the choices offered us here today by the Tunney amendment.

The Senator from North Carolina will not be taken down that path. I am presently inclined—oh, so reluctantly, Mr. President—to vote for the Tunney amendment in order to let it be known that I will have no part of wasting money when the goal is to negotiate a settlement of the type which has always left the Communists in place, and given them a base for imperialistic expansion.

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. HELMS. I am delighted to yield.

Mr. PACKWOOD. The Senator mentioned our responsibility in Angola. What

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is our obligation? What are our responsibilities to Angola?

Mr. HELMS. I am going to address myself to that if the Senator will allow me to complete my remarks. Then I shall be delighted to discuss it further with him.

Mr. President, the administration does not need to sit on its hands. There is a very simple way to get the Communists out of Angola without getting us involved there at all. The best way is to go to where the decisions are made. The decisions are not made in Angola; they are made in Moscow. The Soviet thrust is a major new policy decision of the Central Committee of the Communist Party of the Soviet Union. Never before have the Soviets shipped new armaments of a high quality to client groups outside of the Soviet empire, or its traditional area of influence. Arms were sent for cash to the Middle East, and technicians, but the thrust in the Middle East has been a traditional goal of Soviet policy. More often, the arms sent to client states have been used junk of no particular value. But the arms sent to Angola with no payment asked, and the presence of hundreds of Soviet personnel, are an entirely new development, based upon a new worldwide strategy on the part of the Communists. It is also indicative of the Soviet military effort that for the first time their arms production is sufficient to support such shipments. No one can claim that the Soviet presence in Angola is accidental, or a spur of the moment decision. It is a long, calculated plan which has been in operation for a long time, and which threatens the peace and stability of every free nation on earth.

But does our administration see this? I think not. The Secretary of State is still inflexibly committed to détente and, to this date, I know of no one who can satisfactorily define the word "détente." The President is committed to détente, and the President recently got rid of the single voice for reason and prudence in his Cabinet in this regard, Secretary Schlesinger. The President and the Secretary of State go to China for no apparent purpose and with no apparent result. They are planning to go to the Soviet Union as soon as the SALT II details are worked out, and we are told that we must not disturb such delicate negotiations.

More and more it is becoming evident that détente is nothing other than a name for a protracted period filled with negotiated settlements of many kinds. The overall impact of détente is the same as the individual impact of each negotiation process, and that is, to put it bluntly, surrender. Détente is the rationalization of surrender just as our negotiations have been a protracted process of confirming the Communists in positions of strength in various places around the world.

So I say, Mr. President, let us go to Moscow not to Angola. This Senator says no more wheat deals with the Communists, no more trade agreements, no more tax concessions of the kind we approved just the other day until the Soviets make some concessions. We do not have to finance and supply the deficiencies of the

Communist system. We do not have to allow them to divert consumer production into tanks, and farm machinery production into weapons manufacture.

Why is it that the Communists do not have tractors to get in their harvest when, at the very same time, they are able to produce guns and rockets for this Angolan adventure? That is where you get down to the nitty-gritty.

If we want the Cuban Communist troops out of Angola, Mr. President—and here I will begin to comment on the question raised by my friend from Oregon—if we want the Communist troops out of Angola, let us go to Moscow and have Moscow send a message to Havana. Better yet, let us send a message to Havana ourselves. Let Havana order the Cuban troops home and, while we are at it, tell Havana to send back to the Soviet Union those Echo class nuclear submarines based in Cuban ports and armed with 500-mile nuclear cruise missiles.

Why on earth should the captive Cuban people fight in Angola at the Soviet whim? Why should the Cuban people allow themselves to be used as shock troops for what is clearly the Soviet grand design in Angola?

I think, Mr. President, the United States should call upon the people of Cuba to rise up against the Soviet's cynical use of their young sons in this grand design and to throw off the dictator who has handed over the Cuban youth for such purposes.

But, do we do so? No. Our policy has been to encourage the resumption of normal relations, so-called, with the Communist tyrant in Cuba, and there you go. This is the fault of this whole question that is before us today. Are we really against communism? Do we really consider it a threat to liberty in the world? How much longer, how many more times, will we surrender to it in the name of détente or in the name of "negotiated settlements"?

With reference to normalized relations with Cuba that we hear so much about, our diplomats worked hard at the Organization of American States meeting last July to give the air of legitimacy to the Castro regime. It bordered on the nauseating, Mr. President, to observe what went on. In the name of détente we worked against the interests of our sister American States such as Uruguay, Chile, and Argentina, whose internal order has been disrupted by the export of Cuban-trained revolutionaries throughout South America.

What is our answer? Détente. I will wager that not one citizen out of a hundred in America can give a serious and secure definition of the word.

Even our own security is threatened in the major cities of this land by the Castro-backed Puerto Rican terrorist movement while anti-Castro leaders are assassinated right here in the United States itself.

So that is why, Mr. President, I am fed up with negotiated settlements. I am fed up with the United States never quite saying what it means about communism, stalemates, coalition governments, and I think the American people are tired of

salami-sliced surrender carrying the inevitable enormous price tag.

I think the taxpayers are sick of subsidizing Secretary Kissinger's mistakes. If the United States is not seeking to win then I think we should not enter into a protected conflict where there is no intent to win.

I suggest again that the Tunney amendment, bad as it is, at least has the virtue of giving the administration a striking opportunity to reject mistaken policies of surrender and adopt a clear anti-Communist stance in the world.

Sooner or later we are going to have to do it, unless later or sooner we decide to surrender, period.

Now, the way to peace in Angola is to get the Soviets and the Cubans out of there. The way to do that is to get tough with this thing called détente—whatever it is.

No negotiation, not even a SALT negotiation, is important if it allows the Soviets to take the world, piece by piece. I do not think there is a Senator in this body who will deny that that is precisely what has been going on.

I hope that whatever else the Senate may do at this time and in connection with this matter, we will at least endeavor to make sure that the American people understand what is at stake.

In that sense, Angola, aside from its mineral value, the shipping lanes question and all the rest, is a symbol and it is an opportunity.

I promised to yield to the Senator for a question.

Mr. PACKWOOD. No more than the Senator from North Carolina do I trust the Russians. I think they lie, cheat, and steal and that their sole foreign policy is based upon what is in their interest, not that they like us or love us. I would like to think our foreign policy would be based upon what is good for us.

Mr. HELMS. Does the Senator believe that is the case?

Mr. PACKWOOD. I think we delude ourselves on occasion.

I am not a great supporter of détente. I think from time to time there can be things Russia and the United States agree on, that happen to be in our mutual interest. But we should realize then that each nation agrees upon it and we should not think it is because we love each other.

But as for Angola, forgetting détente for a moment because I am not sure it is ever going to work, what should be our obligation toward Angola?

Mr. HELMS. I will answer the Senator, as I tried to say in my statement, my concern is for the interest of the United States.

Mr. PACKWOOD. Right.

Mr. THURMOND. I wish to thank the able, distinguished Senator from North Carolina.

Some people have criticized the United States' role in Africa, but, as a matter of fact, the United States does not have any bases in Africa, does it?

Mr. HELMS. No.

Mr. THURMOND. Is it not true the Soviets have a naval and air base in Berbera and Somalia with about 1,000 military personnel there?

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Mr. HELMS. That is my understanding.

Mr. THURMOND. On the east coast of Africa?

Mr. HELMS. That is my understanding.

Mr. THURMOND. Is it not true also, that the Soviets are in Mozambique by giving arms and seeking bases there on the east coast of Africa?

Mr. HELMS. That is correct.

Mr. THURMOND. Is it not true the Soviets are aware their naval facilities on Guinea on the west coast of Africa patrol the sea lanes off the west coast, of ships and planes?

Mr. HELMS. That is the understanding of the Senator from North Carolina.

Mr. THURMOND. Is it not true that the Soviets have assigned about 2,000 military advisors to African nations seeking influence, bases or both?

Mr. HELMS. My understanding is identical to that of the Senator from South Carolina.

I would ask the Senator if he would estimate what percentage of the American people understand the facts he is so eloquently bringing out by his questions?

Mr. THURMOND. I am not too sure that the American people understand these things because for some unknown reason, so much of the press do not bring out these facts when it seems to affect the Soviet Union.

I have never understood why some of the media take the position they do. With anything against the United States, it seems they are right there, Johnny on the spot.

Now, is it not true that the Soviets and their socialist allies in Africa were instrumental in getting only 16 of the 46 states in the Organization for African Unity to recognize the pro-Soviet MPLA faction?

Mr. HELMS. That is my understanding.

Mr. THURMOND. Showing that out of 46 countries in Africa, only 16, through prodded by the Soviets, were only able to induce 16 to recognize the MPLA faction as the government in Angola?

Mr. HELMS. That is factually in accordance with my understanding.

Mr. THURMOND. Is it not true that the Soviets were behind the U.S. expulsion from the Tripoli Air Base in Libya a few years ago?

Mr. HELMS. The Senator is correct.

Mr. THURMOND. Is it not true that the Soviets armed and urged Egypt to launch an attack to regain the Sinai?

Mr. HELMS. No question about it.

Mr. THURMOND. Is it not also true that the Soviets have sent in the past 10 years about \$400 million worth of military equipment to 10 black African countries, including Migs and tanks?

Mr. HELMS. The Senator is absolutely correct, and that raises a question, the inescapable question of why.

So they could take over the continent.

Mr. THURMOND. Is it not true that since 1974, Soviet military aid has gone to Nigeria, Congo, Uganda, Mali, Tanzania, Zambia, Equatorial Guinea, and the Central African Republic?

Mr. HELMS. The Senator did say military aid, did he not?

Mr. THURMOND. That is right.

Mr. HELMS. I draw the distinction because that is the kind of aid the Soviet Union gives in an effort to line up and take over, and that is exactly, as the Senator so eloquently emphasizes, what they have in mind in this case.

Mr. THURMOND. Is it not true that the Soviets and Cubans have been training MPLA military representatives, estimated to be about 2,000, in Cuba and Russia since the late 1960's?

Mr. HELMS. That is my understanding. I would say to the Senator that earlier this year I visited some South American countries and Castro-trained terrorists are all over. They are being sent out not only in South America, but, as is so demonstrable in this case, in Angola. It will happen throughout the world in increasing intensity.

The Senator is exactly right.

Mr. THURMOND. Is it not true the Soviets have transported between 5,000 and 6,000 Cuban soldiers, mostly blacks, to fight with the MPLA and provided them with heavy equipment, much more deadly than the light equipment provided by the United States to the other side?

Mr. HELMS. That information has been completely verified. I would say to the Senator.

Mr. THURMOND. Is it not true the Soviets have sent about 400 military advisers to assist the MPLA?

Mr. HELMS. That, too, is correct.

Mr. THURMOND. Is it not true that only limited aid from the United States, mainly some small arms, has been sent in response to the heavy Soviet military aid?

Mr. HELMS. That is the understanding of the Senator from North Carolina, yes.

Mr. THURMOND. Is it not further true that the United States aid has not been direct, but transported mostly in commercial carriers through third countries such as Zaire and Zambia?

Mr. HELMS. That is correct.

Mr. THURMOND. In other words, we have not sent planes over there, we have not sent tankers over there, we have not sent tanks and heavy equipment, such as the Soviets have sent to the MPLA.

Is it true that intelligence believes the Soviet interest in Angola is to acquire use of the deepwater ports, the airfields, and to monitor the passing ships?

Mr. HELMS. That is correct, as a prelude to taking over the entire country.

Mr. THURMOND. Is it the policy of the United States to favor a negotiated settlement between all three factions in the hope that what we have sent, or the little aid that we may send, will create a deadlock, thus forcing a negotiated settlement? Is that the real purpose of our Government so far?

Mr. HELMS. Here is where it gets sticky in the understanding of the Senator from North Carolina. It depends on where we go with our negotiated settlements. If we settle on the Communist terms, we are repeating the folly of the past. I am hopeful, as the Senator has stated, that if a negotiated settlement is achieved, it will be done sensibly and in the best interest of containing and restraining the advance of communism in Africa.

Mr. THURMOND. Someone says that we are getting involved over there. It has been clearly stated by the administration, even on November 23 by Dr. Kissinger, Secretary of State, that the United States will not intervene militarily in Angola, has it not?

Mr. HELMS. I understand that is what Dr. Kissinger said.

Mr. THURMOND. Is it true that, by taking the position it has with regard to Angola, the Soviets have proven again that they are ready to foster violence in pursuit of their aims?

Mr. HELMS. I believe that is correct.

Mr. THURMOND. Is it true that the use of Cuban troops, Soviet advisers and heavy military equipment far exceeds any U.S. aid to the Angolan faction?

Mr. HELMS. There is no question about that.

Mr. THURMOND. Is it true that continued U.S. aid, tied to a prohibition on any U.S. personnel involvement, might force the Soviets to back off long enough to bring about a negotiated settlement? I realize on that question there is a difference of opinion, but that is the hope of our Government in the matter, I believe.

Mr. HELMS. It is a hope, I say to the distinguished Senator, that I am afraid is tissue thin.

As I said in my earlier remarks, it is my hope that there will be an understanding on the part of our leaders that we have to deal with the Communists in a fashion that will preclude a continuation of our giving them everything they want and their proceeding to do whatever they want to do. That is the way détente has worked up to now, insofar as the Senator from North Carolina is concerned.

Mr. THURMOND. Does the Senator feel that détente is not worth the paper on which it is written unless one has the power to back it?

Mr. HELMS. And the will and the courage, I would say.

Mr. THURMOND. One has to have the power and the will to use the power.

Mr. HELMS. Exactly.

Mr. THURMOND. Otherwise, détente is of no value.

Mr. HELMS. Détente can be equated to surrender without the qualities which the Senator has stated.

Mr. THURMOND. Does the Senator feel that the time has come in this time of history, in this time in which we are living, that the United States should take the stand with regard to the Soviet Union that, "If you do not get out of Angola, and if you do not quit intervening in the affairs of other countries of the world, we are going to quit trading with you. We are not going to sell you grain, even though it might be to the advantage of the farmers of America. We are not going to sell you many other things which would be of benefit to your people in the way of comforts or even luxuries. In other words, unless you abandon your goal of world aggression and intent to take over other countries, we will not carry on business with you."

Furthermore, would it even be wise to cancel diplomatic relations if they cannot work with us on an equal basis?

Mr. HELMS. I say to the Senator that

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it is the impression of the Senator from North Carolina that it is dangerous to pat a rattlesnake on the head. That is precisely what we have been doing. We have been acceding to the Communists and the Soviet Union for all of these years. We have protracted the negotiations. We have, in the end without fail, yielded on their terms. I say that is a bad way to conduct foreign policy, if indeed it can be called foreign policy.

Mr. THURMOND. Is it true that as long as we attempt to placate and appease the Communists, the more they are going to ask, the more they are going to demand, and the harder it is going to be for us to live in the same world with them?

Mr. HELMS. Not only that, I would say to the Senator, but in the meantime they are growing stronger. They are growing stronger with material assists from us, as in the case of wheat, in the case of the truck factories, in the case of all sorts of arrangements which have been made through the years which, in the judgment of the Senator from North Carolina, were totally unwise and unjustified.

Mr. THURMOND. Does the Senator, for instance, go back to 1962 when President Kennedy agreed to sell the Soviets wheat? We not only sold them wheat which would enable them to keep more men in their missile factories and gun plants, but also we guaranteed repayment to the bankers that loaned the Soviets the money to buy the wheat.

Mr. HELMS. The Senator is correct.

Mr. THURMOND. Does that make sense? Is that helping to build up the Soviet Government and keep its 200 million people under their control?

Mr. HELMS. The Senator is absolutely correct.

Mr. THURMOND. If people got hungry over there, they would rise up in a revolt, would they not?

Mr. HELMS. Or they would start growing their own wheat and building their own appliances.

Mr. THURMOND. And they would not be building munitions to such an extent.

Mr. HELMS. That is correct. That is all the Senator from North Carolina has ever contended. Nobody would more welcome peace in the world and complete accord with everybody than the Senator from North Carolina. But that is not what we are moving to. We are moving toward absolute totalitarianism in the world, and it is being done under the screen of détente and negotiated settlements, and, I might add, complete misrepresentation of so many situations.

I daresay to the Senator that only a small percentage of the American people understand really what happened in Vietnam, the no-win war that the Senator is so familiar with, and all of the tragedies that grew out of that. But I think we have to confront the inevitable: are we opposed to tyranny? Are we opposed to communism? Do we really understand what it is? And then the question, Do we have the courage to stand up to it? That is the question I believe which is raised by the Tunney amendment.

Mr. THURMOND. Is it true that if this country had enforced the Paris agree-

ment with regard to Vietnam, which we probably could have done by using the Air Force for 1 or 2 days to let them know we meant business, South Vietnam would be a free nation today?

Mr. HELMS. I do not believe there is any question about it. I have talked with so many friends who were in Vietnam, as I know the Senator has—and he, far more than I, as a matter of fact—who have told me of the frustration they felt in not being allowed to win a war they could have won. Yet the American people have been given an impression of Vietnam that is just not accurate.

They ought to ask some of the people who were there. We should have won it. Communism could have been contained and restrained, but it was not done.

Mr. THURMOND. And is it not true we could have won the war in Korea, but had a stalemate?

Mr. HELMS. No question about it.

Mr. THURMOND. That was the first war this country never won.

Mr. HELMS. No question about it.

Mr. THURMOND. And is not true that we had the Vietnam war as a consequence?

Mr. HELMS. The Senator is absolutely correct.

Mr. THURMOND. And there we spent over \$150 billion, had 50,000 men killed and over 300,000 wounded, and then turned tail and ran, so to speak?

Mr. HELMS. And we departed from Vietnam with all of the concessions in favor of the Communists. Their troops were allowed to stay in the South, and it is no wonder that Vietnam fell. All of the concessions were given to the Communists, and none to the people of South Vietnam.

Mr. THURMOND. Is not the Senator of the opinion that the United States should not go to war unless we have to, but once we go to a war we ought to put all the power we have into it, air power, sea power, ground power, artillery power, all the power we have, to win it, get out, and get through; and we stayed in Vietnam 10 years and never did that, did we?

Mr. HELMS. The Senator is correct; we did not.

Mr. THURMOND. And does the Senator not think that is one reason the people of this country now feel as they do toward the whole situation existing throughout the world?

Mr. HELMS. The people of this country have lost faith in so many of their institutions because they have seen principles eroded and even destroyed.

Mr. THURMOND. They have seen expediency control instead of principle, have they not?

Mr. HELMS. I am sad to say the Senator is correct.

Mr. THURMOND. I commend the able Senator from North Carolina. I just wish we had a whole Congress, Senate and House of Representatives, who had the vision, the ability, and the integrity that he does, who could understand this world situation and would be willing to grapple with it as he does.

Mr. HELMS. I thank the Senator for his generous remarks, and I assure him they are reciprocated threefold.

Mr. President, is the Senator from North Carolina correct in his impression that he holds the floor as a result of a unanimous-consent agreement obtained by the distinguished Senator from Idaho, which stipulated that under no circumstances would the Senator from Idaho lose his right to the floor by yielding to me? Is that correct?

The PRESIDING OFFICER (Mr. HUDDLESTON). The Chair is advised the Senator is correct.

Mr. HELMS. I thank the Chair. I ask unanimous consent that, with the right of the Senator from Idaho protected as stipulated in that unanimous-consent agreement, I be permitted to yield to my distinguished colleague from North Carolina (Mr. MORGAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORGAN. I thank my distinguished colleague from North Carolina.

Mr. President, I wanted to take this opportunity to make some observations concerning the matter that is before the Senate, and also to repeat some observations that I had made recently concerning our foreign policy.

While I think sometimes we are attempting to conduct the foreign policy of this country for and on behalf of the President rather than by consulting and advising with the President, I do believe that the debate today has been as informative and helpful as any debate that I have heard on foreign policy since I have been in the Senate.

I was especially pleased this morning to hear the very enlightened discussion by the distinguished Senator from Illinois (Mr. STEVENSON), and I think perhaps his point of view might be a satisfactory solution to the question that is before us.

Mr. President, I believe this: Notwithstanding all of the oratory and the debate, the problem facing us when we turn to foreign policy is, in my opinion, very easy to define. There are only a small number of alternatives involved.

We can take up the call of isolationism, pull back our initiatives, and ignore the world. As the distinguished Senator from South Dakota (Mr. MCGOVERN) pointed out with a quotation from a news columnist this morning, if we lost Angola "We still have the Atlantic Ocean between us."

As he read that quotation to the Senate, I thought it rather ironic that I had in my pocket at that time a quotation from the January 22, 1939, CONGRESSIONAL RECORD, that I had copied this morning. It was a similar statement by a very distinguished and able former U.S. Senator.

It referred, of course, to the debate then involving our rendering of aid and assistance to our European allies after Hitler had taken several countries in Europe. So it, too, involved a debate on foreign policy.

In essence, this is what that distinguished Senator had to say:

The United States need not and shall not be involved. We have an isolated location, and it is still isolated in spite of all of the improvements in air transportation.

That was as late as January 22, 1939. But, Mr. President we found later that

we were not as isolated as that distinguished Senator had thought on that day in 1939. And I would suggest that we are not as isolated today as the quotation by the distinguished Senator from South Dakota this morning would tend to indicate.

In other words, if we take up the call of isolationism, we can turn the world over to the Communists, for both the Soviet Union and China are expansionist nations. Each wants to expand as far as possible its sphere of influence. Russia's domination of Eastern Europe and China's domination of eastern Asia are today almost accomplished facts. Only a pitiful few nations in both parts of the world have been able to maintain their independence, and even they are in constant jeopardy.

The Soviet Union and China have no compunction about aiding Communist movements throughout the world. And original although my remarks were prepared 2 or 3 months ago, Mr. President, I thought it interesting to note that in the debate this morning it was pointed out that when the Belgians granted independence to the Congo, the Russians were just as quick to move in then as they have been in Angola now.

It was pointed out this morning by the distinguished Senator from New York (Mr. JAVITS), a very able man, that the Russians were kicked out of the Congo. If my knowledge of history and my recollection of recent events and investigations by the Church committee serve me correctly, I rather suspect that the reason why the Russians were kicked out of the Congo was largely the covert action of our Government in the support and encouragement given to that government.

So I am not so sure that, if the Soviet Union decides to maintain its position in Angola and we do abandon it, the people of that nation will be able to rid themselves of the Soviet influence alone.

I doubt that any nation in Africa has removed that influence without some encouragement and assistance from those who stand and resist the expansionist programs of the Communist nations.

If we should choose in this country to abandon democratic movements in the third world, the Communist movements are sure to succeed. As a matter of fact, these Communist countries are always ready to oppose any movement in the world that seems sympathetic to the Western ideals of freedom.

Angola is now the most obvious example. There we already have heard what the Soviet Union has done to foment strife and trouble and to dominate at least 30 percent of the population of that country as the Portuguese have moved out.

Communists are indeed persistent adversaries and, if we should choose isolationism as a policy, these adversaries will quickly move into any vacuum our isolationism creates.

Of course, isolationism is an extreme position. Its other extreme is antagonism. At times we Americans have also adopted this policy. We did it at the coldest part of the cold war. We opposed almost every move or every initiative of the Soviet

Union and the Chinese. In large part our efforts were mostly and highly successful. Our efforts maintained the freedom of Greece, Italy, Turkey, West Berlin, and South Korea, among others.

We heard discussed in the secret session ways in which we helped these countries maintain their freedom.

I suggest to the Senate and to my colleagues everywhere that had our actions in Italy after World War II been made public before they took place they would have been totally ineffective and that country would have succumbed to communism shortly after World War II.

But this policy also got us into two land wars in Asia. As we all know, one was fought to an inconclusive result and the other was lost entirely.

It was this extreme position and the difficulties we were having making it work that has led, I believe, to the strained isolationism that we now find in our society today. Unfortunately, one failure seems to erase all of our successes. Having been bitten by one dog, so to speak, we now refuse to approach any other.

We seem willing to abandon even longstanding commitments. Our opponents are not so shallow. Defeats do not deter their initiatives. To them any opportunity is an opportunity for success. That they have often failed is not a deterrent. Failure to them is but a temporary setback. To us it seems to be the end.

It is inconceivable to me that we should withdraw so completely. It seems inconceivable to me that we should have so little faith in the ability of our ideas. We made this Nation into a model of freedom and prosperity. Do we now feel that our position is too weak to propagate? Do we now feel that others cannot benefit from the freedoms which have been ours to enjoy? Why are we willing to surrender them to Communist totalitarianism?

It seems to me that some in our society may be panicking. I suggest, Mr. President, our pride in this country has suffered more than our position.

We are still the most powerful Nation in the world. Whether we want it or not, the position of leadership in the world has been thrust upon this Nation.

I have heard today in the Chamber of this Senate the suggestion that, if the freedom of Angola is so important, why do we not call upon our NATO allies to carry the burden of maintaining and bringing freedom there?

I say, Mr. President, I would feel much better about it if our good friends in Western Europe were to assume more of a role of leadership in protecting freedom around the world. But because they fail to carry their part of the burden, are we also going to fail in the role of leadership that has been thrust upon us by the high ideas that we believe in and the success that has been ours?

How I remember, Mr. President, the words of that young dynamic new President, John F. Kennedy, as I stood here in the snow in 1961 and listened to his inaugural address and heard him say words to this effect. I do not remember them verbatim and I do not have them here, but it was something to this effect:

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

Have we in this country forgotten those great principles to which we committed ourselves on that cold January day here in 1961?

Because we badly handled our last confrontation in Vietnam, are we now to say that we no longer will offer encouragement and aid to those who have the courage and the stamina to stand up and resist Communist aggression and expansionism wherever it is to be found in the world?

I say that there is no reason for freedom-loving Americans to abandon the Third World totalitarianism, for if we do we are not only isolationists, we shall find ourselves isolated.

So what alternative remains? If we are to be neither isolationists nor all-out antagonist, where can we stand? The answer obviously is somewhere between the two. The trouble with being all-out antagonist is that each confrontation brings the world to the brink of a nuclear war, and no person in his right mind can countenance that possibility.

So I think, Mr. President, that détente with great powers seems inevitable. I like to think of détente as meaning the improvement of our relations with other nations, with Russia. I believe we should have approached it more cautiously than we did. But if we are to avoid this kind of confrontation, I do not believe we can rule out the question of détente.

I heard earlier in the debate that we simply should cut off all aid to the African nation of Angola and say to the Soviet Union, "If you don't get out, we will have no more SALT talks. We will sell you no more wheat." We will rebuild, in effect, the Iron Curtain.

I suggest, Mr. President, that rekindling the hostilities that formerly existed between the Soviet Union and this country may very well generate and create more dangers for our Nation than the matter we are considering now. We simply cannot go to war with the Soviet Union or with Communist China. The destruction that would result is simply too horrible to contemplate. I think that no one in his right mind can advocate such a position. But this does not mean that we should become isolationists.

I suggest that we are turning inward at this point, although I am sure that many of my colleagues will disagree with me. But we cannot become isolationist in this country. The Third World is fertile ground for the growth of freedom and democracy, and both overt and covert forms of influence are available to us. There is no reason in the world why we should not use our influence to direct the course of history in the Third World. To me, it seems immoral not to do so.

If we truly believe that if men are born with an inalienable right, we must believe that Africans and Asians are born with it, and we cannot agree to any attempt to alienate them. Freedom is too precious to abandon. It is precious here; it is precious there; it is precious everywhere.

Recent criticisms of our attempt to steer the course of history in the third world has led many to think that we should abandon this meaningful alternative. Some are arguing that we should only involve ourselves in the internal affairs of another country when it is essential to our national interests. From this premise they argue that since the affairs of the Congo—Zaire—are not essential to our national interests, we should not have become involved in the early 1960's in the Congo; that since the affairs of Chile are not essential to our national interests, we should not have become involved in Chile; and that since the affairs of Portugal and Angola are not essential to our national interest, we should not have become involved in Angola.

So far as the Third World countries are concerned, it is perhaps also possible to argue that any particular nation's affairs are not essential to our Nation's interest. Of course, what goes on in the Congo, taken by itself, has little, if any, effect on our national interest; and the same can be said of Chile, Portugal, Angola, and any of the other Third World nations. But I suggest that we cannot consider each nation by itself when considering what is and what is not in our national interest; for when dealing with the Communist world, we have to deal with it collectively. Although the Congo—or Zaire, as it is now called—Chile, Portugal, and Angola individually have little, if any, bearing on our national interest, if we permit each Third World nation to go Communist, the result indeed will be detrimental to our national interest. For the result would be an isolated America, buffeted by the winds of a united Communist world, maintaining its freedom only by the threat of nuclear war, cut off from natural resources and trading partners—in short, one free nation surrounded by a totalitarian world.

How long does one think we can survive in that kind of situation? The answer is obvious enough. The freedom of men will have been relegated to history.

But, believe me, freedom is much too precious to be lost by default. Foreign policy is an important ingredient in our overall national program. It is a defense not only for our shores, but also the shores of other democratic Third World nations. We must do what we can to preserve the freedom of the world; for we shall find that one free country in the world—ours—cannot survive alone. An isolated country is sure to be only a temporary bastion of freedom. It is our one sure road to destruction, and I sincerely hope that we do not follow it.

Mr. President, the debate before this body now, in my opinion, is a debate on more than the question of whether or not we shall give another \$25 million or \$30 million of military aid and assistance to Angola.

I conclude my remarks by saying, Mr. President, that the remarks I made, essentially, were prepared a long time ago. I thought of making them several times. But it is a question that has bothered me. I do not understand how the President can carry out his constitutional obligations and duties of conducting foreign

policy in a fishbowl. Of course, the American people have a right to know. But, Mr. President, many of the things that are going on in Government we in Congress must hold in trust for the American people.

The present crisis was not handled by the President in a vacuum. Appropriate committees of Congress were kept informed. I was informed as a member of one of the committees. Nevertheless, I think it is well that the question has been debated.

I am not sure, at this moment, how I would vote on the Tunney amendment, as amended by the distinguished Senator from New York. I have mixed emotions. I think it would be catastrophic in a way if we say to the President of the United States, "You cannot do anything else for the preservation of freedom in Angola." It would say to those brave individuals—and I am sure there are thousands of them—who thought they were going to have freedom, "You cannot look to your friends across the way for any more help."

It would also serve notice, in my opinion, to others seeking freedom and seeking to maintain their freedom around the world that they possibly could not look to this great Nation for assistance in preservation of their freedom.

No one would argue or contend for one moment that we should even commit one troop to that conflict. The President has made that clear, and I voted for the Griffin amendment this afternoon for the purpose of reiterating that.

But where do we draw the line? I am sure that is the same question that many of those who have been looking to us are asking tonight. I have detected, in recent weeks, a definite crumbling away of support for our courageous and brave friends in Israel. Without our support, that free nation cannot survive.

On the other hand, I have agonized over the thought that maybe it is best to adopt this amendment in this particular debate, for if it is not adopted, it will surely be a political issue in next year's campaign to stir the emotions of the American people—much as the debate in the last campaign involved a question of our foreign policy.

So, I may very well vote for it; I do not know, realizing the dangerous consequences of it.

I was particularly impressed this morning with the very calm and deliberate—and I might say one of the few calm and deliberate discussions of this issue before the Senate—of the distinguished Senator from Illinois (Mr. STEVENSON). It seems to me that he has approached it in a logical manner, considering the consequences both ways. I have joined with Senator STEVENSON in sponsoring his resolution, although it may never come to a vote because of the rules. But it seems to me that if we really do believe in the United Nations, this might be the proper route for us to follow.

It involved more than immediately calling on the United Nations to condemn, not just one nation for becoming involved, but all nations that are involved. As I recall the resolution, it called for a cessation of assistance while this

matter was brought to the attention of the United Nations and while our leaders begin to work and negotiate with the leaders of the Soviet Union. It seems to me that this is an honorable and perhaps the most effective way out of the dilemma in which we find ourselves.

Finally, it has been suggested that we ought not to assist the two factions in Angola because they are also being assisted by other nations whose ideologies do not agree with ours, other nations who violate human rights.

But I mention also that the African nations did not condemn that nation, although I do not understand and I do not think anyone does, just how much involvement there is. But is there a nation on the face of the Earth that has violated human rights and dignity more than the Soviet Union? We know of the indignities and the persecution that are being endured by the Soviet Jews.

I had a Jewish lady in my office last week who had emigrated from Russia to Israel with her little girl, bringing me information of her husband, who is confined in prison in the Soviet Union. That was information which indicated beyond any doubt, to me, that her husband is enduring the most trying hardships that any human being can endure. So I say, Mr. President, that no nation has infringed upon the rights of its citizens more than the Soviet Union and, notwithstanding the Helsinki Agreement, we know that the document which guaranteed to the citizens of Europe the right to travel freely was nothing more to the Soviet Union than empty promise and a worthless piece of paper.

Even the great winner of the Nobel prize was unable to leave that country.

So, Mr. President, I suggest this is, perhaps, the most serious matter or certainly one of the most serious matters that has been before this body during the 11 months I have been privileged to serve in this body. It is one that this body should not approach emotionally and uncompromisingly. It is one we should try to resolve together for the best interests of America and the best interests of free men and women everywhere.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that James Lucier of my staff be granted privilege of the floor during the consideration of this amendment and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask it be in order for me to ask for a quorum call protecting the previously stated rights of the Senator from Idaho.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCURE. Mr. President, I thank the Senator from North Carolina for protecting my right to the floor under the unanimous consent that we had previously agreed upon.

As I think most Members of the Senate are aware, there has been for the last hour and 45 minutes a meeting, attempting to find a resolution of the problem we are now confronted with.

That meeting has not been completed and discussions are continuing.

While those Members are involved in that meeting and further discuss the possible solution that might be applied to the question that has been pending before the Senate at this time and also the parliamentary problem which confronts the Senate in dealing with this possible solution, I think it might be useful to discuss for a few minutes some of the arguments that have been raised and have only been partially discussed thus far in the open sessions.

There have been a number of Senators who have remarked that they are afraid that this involvement in Angola and its progression portended another Vietnam, that somehow we will be sucked into another Vietnam. Yet the Senator from New York (Mr. JAVITS) very properly remarked yesterday that the Griffin amendment was unnecessary. The Griffin amendment today was defeated, because of the arguments that it was unnecessary because of the passage of the War Powers Act which makes it impossible for us to get sucked into another Vietnam in the same way that we escalated through assistance, through advisers, through military advisers and then directly into troop involvement; that is not possible any longer under the War Powers Act.

I think the fears which have been expressed, and I think legitimate fears expressed by a number of the Members of the Senate, that we might thus be progressing into another Vietnam is an inaccurate reflection of a very real fear, not in technical terms of being sucked into another Vietnam, but in the way of an escalation of involvement.

I think that is possible under what we are talking about. I think if we confine it to those terms we will understand the concerns that people are expressing when they use that terminology.

We not only have the War Powers Act, but we also have on the record the statement of the President of the United States and of the Secretary of State very clearly saying that no troops will be committed; that that is absolutely impossible.

So we are not talking about precisely following the escalation of involvement in Angola in the same way we did in Vietnam.

It has been suggested by some that we

should not be involved as we are with the factions that we are simply because South Africa is also involved. Well, I think that is an equal paranoia with those who charge others with wanting to be involved on the opposite side of the Soviet Union no matter where they are or why. I think just to be uninvolved because South Africa is involved is equally blind as to be involved simply because the Soviet Union is.

I am concerned, Mr. President, that in the consideration of our policy here we have not adequately reflected on the problems that deal with Soviet aims, goals, and penetration in Africa. Earlier in closed session I made reference to the situation that exists on the other side of Africa, on the Indian Ocean side, in Somalia.

It has been suggested here that we do not need to fear Soviet presence in Angola, because they are fiercely nationalistic; that the black African countries are so nationalistic that Soviet presence is an impossibility.

Yet, what is the fact in Somalia? Are they less nationalistic than other African countries? Is there anyone who really believes that the leadership in Somalia is less inclined to be concerned about the maintenance of their independence than other black African nations are? The fact is that there is a Russian military base in Somalia, at Berbera.

In July of this last year I had the privilege of participating with several other Members of the Senate in a delegation meeting in Moscow with the leaders of the Soviet Union. That delegation was led by the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from New York (Mr. JAVITS). Others, including Senator MORGAN, were present in that delegation.

As I recall, on the second day of July we sat across the table from some of our counterparts in the Supreme Soviet, the leaders of that country in fact as well as in name. The question was directly asked about the allegations of a Soviet military presence and base in Somalia.

They just ridiculed that. They were sitting less than 5 feet away from me when they did, right across the table. They laughed at the suggestion that they were involved. All they were doing at Berbera was helping the Somalia Government build a port facility for commercial port reasons.

Three or 4 days later the distinguished Senator from Oklahoma (Mr. BARTLETT) was present in that country with a group from our Government inspecting the facilities on the ground and from the air in Berbera.

Our delegation happened at that time to have moved on to Leningrad, in the Soviet Union.

The Senator from Oklahoma has reported to the Senate and to the country by written report that their inspection revealed not only the presence of Soviet military personnel in Berbera, but the construction of what is obviously a missile-handling facility in Somalia.

The President of that country had assured our delegation that they could have access to anything they wanted to

see. There were no areas in his country that were off limits. The delegation could go anywhere they wanted and look at anything they wanted to look at in Berbera to satisfy themselves.

The Senator from Oklahoma reported to the Senate and to the country that as they followed his charge to look, and the guarantee of the President of that country that they could look at anything, they were denied access to certain areas in Berbera; that they went to the gates of the barbed wire enclosures and were met with soldiers with guns leveled at them from behind sandbags who said, "You will not enter here."

The Senator's response was, "The President told us we could see anything we wanted to see. Why can we not enter here?"

They said, "You cannot enter here, because this is a Soviet base."

Yet, 3 or 4 days before I had been sitting across the table from the leaders of the Soviet Union in Moscow and they had told us there was nothing to those rumors or charges.

So I do not think we can just brush aside the consideration of whether or not there will be expanded Soviet military operations based in Angola simply on the basis that these countries are fiercely nationalistic or that we have no proof they want to build a military base in Angola.

I believe it is a possibility. I believe it is a consideration that ought to be included in the evaluation of our policy concerning Angola. From our discussions, both in open session and in closed session, I believe it is fair to say that, based upon the evidence, we have not even considered that fact. We should have considered that fact.

The committees and those individuals who have suggested to us we should terminate involvement in Angola ought to be able to tell the Senate, and ought to be able to tell the people of this country, they have considered that fact, and they have decided after mature consideration of that possibility further involvement in Angola is not justified.

They cannot make that statement. In fairness, I would think they would agree with me they have not tried to make that statement to us, because they have not considered that possibility.

I am concerned, too, that the suggestion is made that we shall confine our new programming money and covert activity to intelligence gathering alone. I assume that if we are going to do that, if we are going to be consistent, we are going to say that is true wherever we are involved; we are not going to enter into covert military assistance to any country.

Maybe the Members of this body who have been suggesting that will make a distinction. Maybe they will make the distinction that we should confine the reprogrammed or covert activities to intelligence gathering and intelligence information activities, and that only in the event of a positive action of Congress shall we engage in military supply anywhere in the world.

I think that kind of a policy might be very wisely adopted by Congress. I be-

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lieve that is a policy which I could support. But it has not been presented to us as a general policy for the Congress of the United States or the Government of the United States. It has been presented to us as a policy which applies only to Angola.

I have to ask myself, why? What rational distinction has been made which says that in this instance this shall be our policy, but in other instances it is not our policy?

I think we must be concerned about the implications that that will have if, indeed, the distinction I have suggested is not the reason why they are making that policy statement. If, without that distinction, it is to be our policy that we will supply money to acquire information to guide our own decisions, then I would suggest that that same kind of decisionmaking process will apply also in the Middle East. And what does that do to the commitments that we have undertaken with respect to Israel as well as to other countries in the Middle East? Are we, by that application of policy pursued on a broader scale, then, to confine ourselves to intelligence gathering and informational processes, and are we going to say, then, to other countries in the Middle East, "There will be no military assistance from henceforth from the Congress of the United States and the people of the United States?"

If that is to be our policy, or that is the implication of those who seek in this instance to initiate that policy, then I think we had better know it now. And if it is not, then I suggest we had better know what the rational distinction is that keeps that from being the policy that would be applied in the Middle East as well as in Africa.

Mr. President, I am concerned, too, when we get into the question of how our policy and our involvement in Africa may affect the relationships between national groups in Africa. It is suggested by some, if I understand their arguments correctly, that we must not be involved in Angola because to do so will inflame the racial tensions in Southern Africa. Yet it seems to me that a hasty application of the Tunney amendment to this bill and the signal that that would be to the Soviet Union to increase its penetration in Angola and in Southwest Africa could very well lead to a worsening of racial relations, not because of the action we took there, but because of the action we take here.

Why do I say that? Mr. President, I think it is obvious from the statements that have been made by the people who are involved in this debate in Angola—not in the arguments made here, not in the arguments made in NATO councils, but in arguments made by people within Angola itself—that the institution of rule by the segment of society being backed by the Soviet Union could lead to the extinction of terrorist activities aimed at a change of internal political policies in Southwest Africa, in Rhodesia, and in South Africa, and we would see across those borders the beginning of the flow of terrorist activities in much the same way we have seen it across the borders of Israel, which has exacerbated the very

difficult situation that exists there, and that has made it almost impossible for us to reach a resolution of the political or military situation in the Middle East, and we would see across the borders of these countries the beginning of a guerrilla warfare which is directed toward a change of racial balance, and therefore becomes a very real addition to racial tensions in the entire region of Southwestern Africa.

I think, Mr. President, that rather than contributing to the easing of racial tensions, we might very well, by this action, exacerbate the racial tensions that exist already in that area of the world.

And when we start looking at the question of, "Well, will the United States be aligned itself against black African countries if we continue the policy which is the policy of the United States today," I think it is well that we look toward the best evidence of what may occur in the minds of Africans by looking at their statements.

I think the Senate ought to look at the content of the debate that occurred in the United Nations on December 10, just a week ago yesterday. That debate, which took place over a resolution which had originally been devised to condemn the policies of racial separation in South Africa, had been changed suddenly in its character by a resolution offered by the Soviet Union as an amendment to that resolution, which would have condemned South Africa's intervention in the internal affairs of Angola.

One difference, though, from the statements that have been made here on the floor of the Senate in the last 2 days, is that that would have had automatic unquestioning support of all black African nations, who condemn South Africa for their intervention in Angola. But what was the fact? What did actually happen?

The Soviet Union did not succeed in their condemnation of South Africa in that instance, because other black African nations very quickly pointed out that South Africa was not the only country, even the major offender, in the intervention in internal affairs in Angola, that the Soviet Union itself was the major offender in the intervention, and the black African nations presented an amendment to that resolution which would have condemned all foreign intervention in Angola; and in the debate on that amendment it was clear that they were talking about the intervention of the Soviet Union.

The debate raged. I have transcripts of the debate that took place at that time.

The arguments were raised by various of the black African nations in support of and in opposition to the amendment which was offered by the representative of the Government of Zaire, condemning all foreign intervention in Angola, to exclude that resolution which the Soviet Union had offered which would have condemned only South Africa but to include the condemnation of the Soviet Union's activities in Angola, and that debate makes very interesting reading for those who are concerned

about black Africans' reactions to foreign intervention in Angola.

The upshot or the final result of that debate was that both of the amendments were withdrawn. They were withdrawn after the Soviet Union amendment was rejected on a vote of 42 to 43 with 43 abstentions.

If those who believe that the black African reaction to the intervention in Angola must be so uniformly adverse to the position that we have taken, I invite them to look at that action taken in the United Nations and to take a look at the debate that took place and to consider the vote that occurred only a week ago yesterday in the United Nations in New York, because I think it begins to paint a very different picture of black Africans' reactions to foreign intervention in Angola.

For those who wish a little bit more background about that debate and the meaning of that debate, I invite the attention of Members to an article that appeared in the New York Times on the 11th of December which is entitled "Moynihan Accused in U.N. on Angola." But the point which I refer occurs in the third paragraph in that article by John F. Burns. I read from that article this portion:

Diplomats in touch with the sponsors of the amendment which was supported by the Soviet Union and opposed by the United States said that it had been withdrawn when it became apparent it could not win a majority of votes in the assembly.

I also call attention of the Senate to the article that appeared in the Washington Post on Thursday, December 11, just 1 week ago today, a bylined article by Victor Vorza, entitled "A New Wave of Soviet Expansionism." He points to a couple of matters which are of particular interest in our discussion of policy in Angola, and let me read briefly from that article:

The relaxation of international tensions, Pravda says, has been a powerful force behind the new upsurge in the struggle for the total liberation of peoples, and Communist Soviet Foreign Minister Andrei Gromyko explains that that support of national liberation forces is an extremely important sector of our foreign policy work.

At another point in the same article, Mr. Vorza makes this comment:

But if the Kremlin is allowed to get away with it, Angola may prove to be only the beginning of a new drive to expand Soviet power under the cover of detente and not just in the third world.

If Members wish further material and editorial comment in regard to this situation, I suggest that they read the editorial that appeared in the Washington Post on the 15th of December in which, among other things, the editorial had this to say:

In the United Nations the other day, for instance, the Russians suffered a smart setback, one of their first of this sort in years, when the bottom fell out from under a proposed amendment that would have ignored Soviet intervention and condemned only the Angolan role of South Africa whose intervention is at once much smaller than Moscow's and more justified.

Mr. President, I think it is important for us to note this course of events and

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the commentary on the events by people who have been much closer to it and I hope more informed by it than has been the case for many Members of the Senate of the United States.

There is another factor that needs to be considered as we look at the motivations of the emerging countries.

I agree with the statement that has been made in the Chamber of this Senate that no foreign power is going to have great success in penetrating the governments of any of the African countries if they do not use force. But if they are willing to use force or if they are willing to use enough economic aid to buy their way in, they can, in some instances, be successful in either subverting the government or turning that government's interests toward their own interests.

Why is it that the Soviet Union has failed in many of its overtures to emerging countries in the past? I think it can be rather clearly stated because these countries that are throwing off the yoke of colonialism are not willing to substitute one colonial master for another. I think, as the colonial empires grew starting late in the 17th century and through the 18th and 19th centuries and were used for economic exploitation of the colonized areas of the world, these people threw off that yoke in order to seek not only political freedom but economic opportunity for their people.

Their experience when they have fallen within the Soviet orb has been that they get neither political freedom nor economic progress.

To the extent that they are within the Soviet orb, they find themselves exploited in exactly the same way that they felt themselves exploited under the colonial empires of the preceding century.

The new colonialism of the Soviet expansionism has been all too evident to the people who have lived under it.

Witness the course of events in country after country where the Soviet Union moved in as colonial powers moved out. We will find that those countries got only one thing from the Soviet Union: military support, military goods, and they paid for them. They paid for them in whatever resources they had at prices which were very favorable to the Soviet Union.

Analyze case after case after case of countries that have gone that route, tasted that cup, and discarded it because they found that, although they could get military supplies to fight against colonial oppression, they could get military supplies to fight over who should control the new country, and they could get military supplies to subvert the governments of adjacent areas or to disrupt the political stability in the region in which these countries are located, they could not get any meaningful economic assistance, and no real economic growth occurred for them.

So country after country after country, having gone through that evolution, has turned away from the help of the Soviet Union and toward a greater and freer economic coordination with the Western powers. They do not seek to substitute for the Soviet Union a different master in any Western power or Western alli-

ance, but they seek opportunity of economic growth and social betterment for their own people. That is their motivation and a very proper motivation.

So I am in agreement with Members of this body who have suggested that the Soviet Union might well be walking into a morass in Angola, a morass from which they would find it difficult to extricate themselves with any great gain, and they might very well fall in their efforts to subvert either Angola for a very long period of time or larger areas of Africa for any substantial period of time. But we have not yet decided, and I do not think we can decide, how much the Soviet Union is willing to invest in that effort, how much they are willing to invest economically, how much they are willing to invest from the standpoint of prestige, how much they are willing to invest in terms of military involvement.

They can, if they desire, make great penetration and great inroads into the political independence of various areas of this world, as they have shown a willingness to invest. We may not be talking about evolution in which a government, having tasted from the cup of economic cooperation with the Soviet Union, discards it. We may be seeing the kind of situation in which the Soviet Union feels it is worthwhile to them to invest militarily a sufficient force to gain a relatively long-term political-military dominance of an area, as they did in Eastern Europe.

We know the sad litany of the countries that have been subverted by the strength of Soviet military might in an area where the Soviet Union felt that it was worthwhile to make that investment. And they have done so.

I was interested earlier this afternoon as the very able Senator from Oregon (Mr. PACKWOOD) was talking about the price they paid for their involvement in Hungary and Czechoslovakia, and they have indeed paid a price, in terms of the reaction of peoples in other countries of Europe. But that was a price, presumably, that they were willing to pay, in exchange for the gains they made in those countries during that period of time and during the period of time since the revolution in Hungary and the attempts by the people of Czechoslovakia to gain independence over their own internal political processes.

Mr. President, I think there are a number of reasons why we must be concerned about the evolution of a policy in Angola that may have long-lasting and far-reaching effects upon not just one small black African country.

I was interested in some of the comments that were made in the debate in the United Nations to which I made reference earlier that touched on the question of the reactions of black peoples to domination by foreign countries which are not black. I should like to read from the remarks by the representative of the Government of Zaire at that time, because I believe they shed light on the attitudes of black nations.

I make this reservation as I read from those remarks: They are translations, obviously, and I apologize for any inaccuracy in the translation. I hope the

translation is accurate enough to reflect the truth of the statements made by the representative of the Government of Zaire in those debates. He said this:

In certain quarters it is believed that Zaire is against the MPLA. We are not. The first shot fired against the Portuguese colonial administration did not come from the Soviet Union but from Zairean national territory, and in the first hours of the MPLA, where was NATO?

Is there a desire deliberately to ignore the history of the national liberation movements in Angola? The Soviet Union believes itself to be the champion and the savior of Angola. At a time when the Portuguese colonial administration was rampaging in Angola, where were the armored cars, the tanks, and the sophisticated weaponry with which the Soviet Union is now flooding Angola? No doubt Soviet weapons could not be seen to be used against the Portuguese rights.

This is racism stood on its head. And now they are dividing Angolan brothers, providing them with murderous weapons and helping them to kill each other. They are black, so they can kill each other. But when the white Portuguese were there, we did not see such weapons coming into Angola. Whom are they trying to deceive? Why play hide and seek?

At another point, later, he said:

And if the Soviet Union, that great friend of independent Africa, were really as friendly as all that, it could take into account the decisions of our heads of state on the African continent.

I think it is very clear, Mr. President, that the black African nations, themselves, do not share the same fears about our involvement in Angola as has been stated and do not see our involvement in the same light as some of the Members of the U.S. Senate see it in terms of their own statements here today.

Let me make just one additional reference to the pending resolution of the Senator from Illinois (Mr. STEVENSON). I made reference to that resolution earlier today and pointed out to the Members that it can be found on page S22539 of the RECORD of yesterday. I have two concerns with the resolution as presented by the able Senator from Illinois.

First, it has a number of preamble clauses, and then in the resolution portion there are six paragraphs. The first five paragraphs refer to a number of items that can be found in sequence, and the sixth item is the one to which I want to refer, because it says:

The President should suspend further assistance to any faction in Angola pending efforts to seek an end to all foreign intervention in Angola.

I think that has an inversion in the language of the resolution, an inversion that I hope the Senator from Illinois will correct. If that and a couple of other items in the resolution are changed, it would make it possible for me to support the resolution, because I think the Senator from Illinois did not intend that we do nothing, awaiting this kind of action on the part of the withdrawal of those people who are now involved in Angola. He did not intend, I should think, to say that we will do nothing until we say that they have withdrawn.

Instead, I think it would be more constructive to say that as they withdraw, we will react; and if they do not withdraw, we will apply these sanctions. But, pending that period of time, we will not

veto action if the legislation does not conform exactly to the wishes of the Secretary of Transportation.

Mr. President, the committee has held hearings for half a year on this legislation, and has received the advice of countless experts both within the Government and outside the Government. The bill is the product of this exhaustive process, and in the opinion of both myself and the ranking minority member of the subcommittee, is far superior to the proposals of the Department of Transportation. If we are going to permit these kinds of threats to determine the substance of legislation, it is my opinion that we should just place the administration's request legislation on the consent Calendar, dispense with referring it to committee, do away with the studies that have been conducted on these issues by the Office of Technology Assessment and outside consultants, and pass whatever Secretary Coleman demands of us.

We have come a long way in meeting the administration's demands on this legislation, and the conference yesterday made substantial further adjustments designed to come more than halfway on all the major issues dividing us. The administration has yet to compromise on one major issue. If we simply allow the Congress of the United States to be pushed around in this manner, it would represent a negation of the entire legislative process. The legislation before the Senate today is strongly supported by a tremendous hearing record and a voluminous report. The administration's demands are supported by nothing other than the political views of the Secretary of Transportation and the Office of Management and Budget. I urge my colleagues to demonstrate by their vote here today that the Congress will not be intimidated by these threats and will not abandon reason and rationale in the face of a Secretary of Transportation or an Office of Management and Budget that make unsupported allegations and irresponsible charges.

If this legislation is enacted as the administration would like, it will do nothing other than provide the Secretary of Transportation with the total power to restructure the Nation's rail system without any public interest controls, and the executive branch would be given the complete and unfettered discretion to control the funding and operations not only of the Northeast railroads, but of all railroads in the Nation. Aside from the problems that this would cause in the courts with respect to the question of whether Government has effectively nationalized the northeast and midwest rail system, it is my firm belief that it would be very detrimental to the railroad system of the entire Nation. It is not the judgment of the Senate Commerce Committee that the American system works best by granting total discretion to the executive branch to do whatever it pleases with respect to a major sector of the Nation's transportation system.

If the pending rail legislation is not enacted into law at once, at least a 2- or 3-month delay of the long-planned re-

vitalization of Northwest rail service is inevitable. Delay is costly to the taxpayer and the reorganization process.

Grants to the Penn Central and other bankrupts must continue, at the rate of well over \$1 million a day. These funds are lost forever. They result in no improvements of service.

Grant funds will run out by the scheduled date for startup of ConRail under the final system plan, unless funds now dedicated to rehabilitation are reprogrammed.

If new funding is not made available, there is a danger that rail service will terminate.

The bankrupt railroads are now running their operations on a going-out-of-business basis that threatens the integrity of the final system plan. They are assiduously selling off properties and running down inventories. Delay only feeds this process.

Delay creates uncertainty that can upset plans for participation in the final system plan of the Chessie System and other solvent rail carriers.

Delay means that advance planning for transfer of functions from the bankrupts to ConRail and Chessie will be thrown into disarray and result in extra costs.

Delay would cause a shutdown of the advance rehabilitation program—section 215. This would result in immediate layoffs of 3,000 employees and extra costs of some \$300 million to ConRail.

A lapse of service on some commuter and light density lines, beginning as early as February 3, probably will occur.

Extended delays in startup of the plan may upset ConRail's financial performance and cause confusion as to whether the final system plan had been fully successful.

Delays also may add to potential claims against the United States for "erosion" of the assets of the bankrupt estates.

Mr. President, I am ready to vote.

I would just like to say that during the time of this conference we have had the help of not alone some dedicated members of the Commerce Committee itself, but from staff members, both on the majority and minority side. I think it would be appropriate for me to say this at this time.

I do not know a man who has contributed more to the success of this legislation than the Senator from Connecticut (Mr. WEICKER). He has been outstanding in his concern, his depth of understanding, and his realization that what we are doing here is really providing for a massive reorganization on a private enterprise basis of the railroad system, and in our hope that we will not be faced with this type of situation in the future.

We know we have not cleared all the errors, but I will say this: Without Senator WEICKER's concern it would have been very difficult for us to pass this legislation in the form and in the positive stance which it has at the present time.

I would also like to pay tribute to the staff members, particularly Lynn Sutcliffe, general counsel; Tom Allison, Paul Cunningham, Mal Sterrett, Geoff Baker,

John Kirtland, and David Clanton for the work they have done.

It has been one of the real joys to have people who have understanding and wisdom and, at the same time, the ability to move with speed at a time when speed was needed.

It has been a real pleasure to work with these gentlemen.

Mr. BEALL, Mr. President, as a member of the Surface Transportation Subcommittee and as a member of the conference committee, I urge the Senate to approve S. 2718, the Railroad Revitalization and Regulatory Reform Act.

As I stated on December 4 when this measure passed the Senate, this is must legislation. It is simply imperative that we move ahead and allow ConRail to take over as quickly as possible the operations of Penn Central. From what I have heard, Penn Central is doing little, except depleting inventories and continuing to allow its bankrupt operations to go farther down hill. S. 2718 seeks to stop this deterioration and not only to develop a viable rail system in the Northeast but also to assure a healthy rail network nationwide.

Hopefully, the enactment of this bill will signal an end to an era of neglect for the Nation's railroads. Railroads had not only been victims of neglect, but also in many instances of public policy and regulatory action which worked against greater utilization of this energy efficient, ecologically sound, and safe transportation mode.

S. 2718 would:

First. Reform the regulatory system and the regulatory agency, the Interstate Commerce Commission. One example is the expediting of railroad mergers and rationalization in order to avoid situations such as the Rock Island case which dragged out for over 10 years.

Second. Implement the reorganization of the bankrupt railroads of the Northeast. I am pleased that the conference committee included the Senate protection against deficiency judgments. This provision was included by the Senate committee at my urging and is essential for the acquisition by Southern Railroad of the lines on Maryland's Eastern Shore. This important section of my State thus will be able to count on services by one of the Nation's outstanding railroads.

Third. Reaffirm the commitment by Congress to the Northeast corridor project which Congress endorsed in the Regional Rail Act of 1973. This provision is designed to bring modern, first-rate transportation service to this heavily populated area of the country. Projections show increased population growth and additional travel requirements. Existing transportation systems will have difficulty accommodating such growth. Therefore, it behoves this Nation to get on with this project. It has been studied enough. It is technologically feasible and economically viable. Delay today will mean only increased costs and inadequate transportation tomorrow.

Better ways to move people in energy-efficient, environmentally sound, and safe ways must be given higher priority. The time to act is now—not when another energy crisis is upon us.

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Fourth. Provide a subsidy for local rail freight service of 100 percent the first year, 90 percent the second, 80 percent the third, and 70 percent for the fourth and fifth years. This will make certain that the State and/or local communities and shippers will be able to continue branch lines which they deem vital.

Fifth. Mandate continuation of rail commuter services for 6 months with a 100-percent Federal subsidy for that period and for a succeeding 6-month period. Thereafter, a subsidy of 90 percent will be available for 1 year and 50 percent for a succeeding year for State and local transportation agencies willing to continue this service. This provision is essential for otherwise the rail commuter service, which serves approximately 500 passengers between Baltimore and Washington, would be lost. I am confident that with this provision my State will be able to see that this important transportation service will continue, and

Sixth. Authorize a new program to provide for the conversion of abandoned railroad rights-of-way to public use.

S. 2718, the bill before the Senate today, is complex legislation. Given the gigantic problems and issues which this measure addresses and the critical importance not only to the Northeast but also to the entire Nation of their resolution, this is understandable.

While S. 2718 is not perfect, and no comprehensive measure involving so many issues and interests could be, it nevertheless represents a Herculean effort and should be supported by the Senate.

As I look back on our work, the process and procedures we mandated seemed to have worked well. I feel the office of public counsel was particularly helpful in alerting communities and shippers regarding the act's impact on them and in helping them to prepare their cases. It was an open process with inputs from many. Again, not perfect, but as fair and as open as seems humanly possible.

Of course, the final test of the work remains ahead. ConRail has an increase task confronting it. With the support provided in the bill and with new management, there is reason for guarded optimism. In any event, we had little choices.

The railroads had to be kept running. Nationalization, as a few advocated would have been even more costly. I am pleased and proud to have participated in this historical and significant effort. I urge the enactment of the conference report.

Mr. PERCY. Mr. President, with some reservations I concluded I should vote against the conference report on the Rail Services Act, S. 2718.

While certain reductions in outlays were achieved in conference, I still maintain the bill authorizes expenditures beyond what I believe to be prudent both with respect to Amtrak for improving Northeast corridor service from Boston to New York and the District of Columbia. I am a strong supporter of rail passenger service in general and of Amtrak in particular. But with all the other urgent funding priorities and our soaring Federal budget I feel compelled to

oppose spending which does not meet what I consider to be a prudent and fully justifiable cost-benefit analyses. I applaud the movement toward compromise but I do not believe we have trimmed to the proper level yet.

I am disappointed that the House language with respect to certificates of value was largely retained. I believe this is a serious flaw in that it permits and may encourage years of litigation. The virtual assurance that many of these suits will not be decided as swiftly as would have been the case had the Senate language been accepted, I think will deter financial institutions from making capital available to our railroads and, possibly, our utilities.

Finally, I oppose giving authorities to the U.S. Railway Association which I believe properly belong in the Department of Transportation.

For these reasons I will oppose the act as now drafted and will vote to sustain the Presidential veto that is expected.

Mr. WEICKER. Mr. President, I am prepared to yield back the remainder of my time.

I want to thank the distinguished Senator from Indiana for his very gracious remarks about me. I also want to commend Mal Sterrett and Geoff Baker who worked hand-in-glove in a cooperative way with the majority members of the staff.

I yield back the remainder of my time.

Mr. HARTKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Mexico (Mr. MONTROYA), the Senator from Florida (Mr. STONE), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. ABOURZEK), the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

On this vote, the Senator from Illinois (Mr. STEVENSON) is paired with the Senator from Florida (Mr. STONE). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Florida would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 51, nays 29, as follows:

(Rollcall Vote No. 609 Leg.)

YEAS—51

Beall	Hathaway	Muskie
Biden	Hollings	Nelson
Brooke	Huddleston	Pastore
Buckley	Humphrey	Pearson
Bumpers	Inouye	Pell
Burdick	Jackson	Randolph
Case	Javits	Ribicoff
Clark	Kennedy	Roth
Cranston	Leahy	Schwelker
Culver	Long	Scott, Hugh
Durkin	Magnuson	Sparkman
Ford	McGee	Stafford
Glenn	McGovern	Stevens
Gravel	Maintyre	Symington
Hart, Philip A.	Metcalf	Tyner
Hartke	Monrath	Weicker
Hatfield	Moss	Williams

NAYS—29

Allen	Hansen	Percy
Baker	Hart, Gary	Proxmire
Bartlett	Haskell	Scott,
Belmont	Helms	William L.
Byrd, J.	Hruska	Taft
Harry F., Jr.	Mansfield	Talmadge
Byrd, Robert C.	McClellan	Thurmond
Curtis	McClure	Tower
Domenici	Morgan	Young
Garn	Nunn	
Griffin	Packwood	

NOT VOTING—20

Abourezk	Dole	Laxalt
Bayh	Eagleton	Mathias
Bentsen	Eastland	Montoya
Brock	Fannin	Stennis
Cannon	Fong	Stevenson
Chiles	Goldwater	Stone
Church	Johnston	

So the conference report was agreed to.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. May we have order, please, Mr. President.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 9861, which the clerk will state by title.

The legislative clerk read as follows:

Amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. McCLELLAN. Mr. President, let us have order.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

The Senator from Montana.

Mr. MANSFIELD. Mr. President, the leadership has been endeavoring all day to arrive at an agreement affecting the conference report on the defense appropriation and the amendment offered by the distinguished Senator from California (Mr. TUNNEY).

We thought we had arrived at a reasonable solution by means of which the pending business would be laid aside and the Senate would then have the opportunity to turn to the consideration of such measure as the 200-mile legislation, in which the distinguished Senator from Washington (Mr. MAGNUSON) is so interested, and who has exerted so much

pressure that I am getting a bent back from contacts with him.

Then it was hoped that it would be possible to turn to H.R. 9852, the so-called Mobile Housing Act, which has a time limitation.

Then it was the intention of the leadership, because of the pressure exerted by the distinguished Chairman of the Committee on Appropriations—low key, quiet—that we would take up a bill to establish improved programs for the benefit of producers and consumers of rice.

The proposed agreement, we thought, would have been the best way out of a difficult situation, especially for the administration. We would have turned to at least one and possibly two of these other measures, and what we did not complete in that sphere would be taken up the first thing on our return next January 19, the House willing to send us a resolution to that effect, which we do not have at the present time.

The matter was discussed with the chairman and the ranking member of the Appropriations Committee, with the Republican leadership, with people interested on both sides of the issue.

It was impossible to reach an agreement, and therefore we are faced with a situation which only will allow for more dillydallying on the part of the Senate.

Mr. President, I think I have covered the main points.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. If I may, let me finish please. I think I have covered the main points in what I intended to say to the Senator at this time. I wish to say to the distinguished Senator from Washington (Mr. MAGNUSON) that I will make every effort to bring up the 200-mile bill on our return after the recess. I will make the same pledge to the distinguished Senator from Arkansas (Mr. MCCLELLAN) concerning the rice bill, and I will make the same promise to the distinguished Senator from Missouri (Mr. EAGLETON) concerning the mobile housing bill.

I hope that in this respect we will be able to advance the work of the Senate, and at this time I am glad to yield to my distinguished friend the Republican leader of the Senate.

Mr. HUGH SCOTT. I thank the distinguished majority leader.

Mr. President, in addition to much other agonizing over this issue, about two dozen Senators spent nearly 4 hours yesterday afternoon trying to arrive at a viable solution. There seems to me to be at least substantial majority sentiment for a proposal which would not have satisfied anyone entirely, I suppose, and certainly not satisfied everyone, but which at least would have allowed some movement in the area which the administration sought, really, very hard indeed to achieve; and I will say that the meeting was with the Secretary of State.

This morning some of us met with the majority leader in a further effort to work out the order of business on the basis of a declaration of intention by the majority leader beginning next year.

All of these attempts have fallen by the wayside, because some Senators are of

one mind and one point of view here, and others are diametrically opposed.

If the distinguished majority moves to lay on the table the pending amendment, while I would have to vote against the amendment, I would like to make it clear that that should not be interpreted as reflecting my views on the Angola situation one way or the other, on the merits. Such a motion may well be offered by him in order to bring about a resolution of the question. Perhaps if he does offer it, it would be better to table it, and I would so vote. Then we can get on with the rest of the business, and the Appropriations Committee can get on with this tough situation, as well as a number of others we will have to take up as soon as we possibly can arrange the meetings.

I wanted the distinguished majority leader to know that I myself hope that under the circumstances the amendment can be laid on the table, so that when we come back in January, similar amendments could be offered and similar arguments could be made. The debate at that time might look different. The administration feels that the adoption of the amendment at this time would be disastrous, would be a catastrophe, and they have made their views very strongly clear.

Again I repeat, and then I am through, that I am not stating my own views here on Angola one way or the other. I am very much concerned about the American position. I am also concerned about the impact on world opinion of what the Senate may do here today. I wanted the chance to get that on the RECORD before the Senator proceeded further.

I thank the majority leader.

Mr. MANSFIELD. Mr. President, before I make the motion to lay on the table the Tunney amendment, I wish to state unequivocally that I favor the Tunney amendment; that I am against our intervention in the affairs of two of the three tribal elements within Angola; that in my opinion the national interest and security of this country are not involved in the events in Angola; and I wish to say that I can see many parallelisms between this situation and the beginning of the adventure in Vietnam.

Mr. President, I move to lay on the table the amendment of the Senator from California (Mr. TUNNEY), and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to lay on the table the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from

Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from Florida (Mr. STONE) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), and the Senator from Florida (Mr. STONE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 21, nays 58, as follows:

(Rollcall Vote No. 610 Leg.)

YEAS—21

Baker	Griffin	Morgan
Bartlett	Hansen	Roth
Beall	Hruska	Scott, Hugh
Bellmon	Long	Stevens
Buckley	McClellan	Thurmond
Curtis	McClure	Tower
Domenici	McGee	Young

NAYS—58

Allen	Haskell	Nunn
Biden	Hatfield	Packwood
Brooke	Hathaway	Pastore
Bumpers	Helms	Pearson
Burdick	Hollings	Pell
Byrd	Huddleston	Percy
Harry F., Jr.	Humphrey	Proxmire
Byrd, Robert C.	Inouye	Randolph
Case	Jackson	Ribicoff
Clark	Javits	Schweiker
Cranston	Kennedy	Scott,
Culver	Leahy	William L.
Durkin	Magnuson	Sparkman
Ford	Mansfield	Stafford
Garn	McGovern	Symington
Glenn	McIntyre	Taft
Gravel	Mondale	Talmadge
Hart, Gary	Moss	Tunney
Hart, Philip A.	Muskie	Weicker
Hartke	Neison	Williams

NOT VOTING—21

Abourezk	Dole	Laxalt
Bayh	Eagleton	Mathias
Bentsen	Eastland	Metcalfe
Brock	Fannin	Montoya
Cannon	Fong	Stennis
Chiles	Goldwater	Stevenson
Church	Johnston	Stone

So the motion to table Mr. TUNNEY's amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from California, as amended.

Mr. MANSFIELD. Mr. President, I have discussed this possibility with the Republican leadership. I have received no assurances, but I think it is worthy of the effort.

I ask unanimous consent that there be not to exceed 40 minutes on the Tunney amendment, the time to be equally divided between the distinguished manager of the bill, the Senator from Arkansas (Mr. MCCLELLAN) and the distinguished Senator from California (Mr. TUNNEY).

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The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Kentucky.

SENATE CONCURRENT RESOLUTION 82 AND SENATE CONCURRENT RESOLUTION 83—CORRECTIONS IN ENROLLMENT OF S. 2718, RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1975

Mr. FORD. Mr. President, I send two concurrent resolutions to the desk and ask for their immediate consideration, en bloc.

The PRESIDING OFFICER. The concurrent resolutions will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 82) to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes.

A concurrent resolution (S. Con. Res. 83) to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes.

Mr. FORD. Mr. President, these resolutions make corrections in the enrollment of S. 2718, which the Senate has just passed. The corrections are for the purpose of seeing that the bill meets the agreement at the conference and what we passed today. The staff worked long and hard last night in order to put it together. These are simply technical changes.

Mr. GRIFFIN. No substantive changes?

Mr. FORD. No substantive changes at all.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolutions.

The concurrent resolutions (S. Con. Res. 82 and S. Con. Res. 83) were agreed to, as follows:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate is directed to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes as follows:

Strike out section 308 of the bill in its entirety and redesignate sections 309 through 312 of the bill as section 308 through 311 thereof.

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring). That the Clerk of the Senate is directed to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities,

and rehabilitation and improvement financing, and for other purposes as follows:

Sec. 2. In section 308 of the Regional Rail Reorganization Act (as added by section 609 (b) of the bill) strike the bracket at the beginning of the section.

Sec. 3. In title VI of the bill redesignate the second section 614 as 615, and redesignate sections 615 and 616 as 616 and 617 respectively.

Sec. 4. In section 601(b) (3) of the Regional Rail Reorganization Act of 1973, as added by 617 of the bill as redesignated is amended by—

(a) striking "(1)" the second time it appears; and

(b) striking the brackets and the material therein, except the quotation mark and the final period.

Sec. 5. Before the section heading of section 701 of the bill insert the following:

"TITLE VII—NORTHEAST CORRIDOR PROJECT IMPLEMENTATION"

Sec. 6. Section 4(m) of the Department of Transportation Act, (as added by section 803 of the bill) is amended by inserting the last sentence immediately after the period of the sentence preceding it.

Sec. 7. Section 4(n) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking "(1)" and inserting in lieu thereof "(p)".

Sec. 8. Section 4(o) of the Department of Transportation Act, (as added by section 803 of the bill) is amended by striking "(1)" and inserting in lieu thereof "(p)".

Sec. 9. Subdivision (e) of section 20(3) of the Interstate Commerce Act, as amended by section 307 of the bill is deleted and subdivision (f) is redesignated as subdivision (e).

Sec. 10. Section 4(r) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking "(1)" and "(j)" and inserting in lieu thereof "(p)" and "(g)" respectively.

Sec. 11. Insert a period after "(6) necessary studies" in section 101 of the bill.

Sec. 12. In section 15(6) of the Interstate Commerce Act (as amended by section 201 of the bill) strike "(C)" and insert in lieu thereof "(c)".

Sec. 13. In section 202(b) of the bill strike out all of the matter starting with "(6) In any hearing under" and ending with "at the earliest practicable time".

Sec. 14. In the matter inserted into the Interstate Commerce Act by section 202(e) (B) of the bill—

(1) strike "(9) (a)" and insert in lieu thereof "(8) (a)";

(2) strike "section 1(5) (B) (1) of this part" in new subdivision (b) thereof and insert in lieu thereof "section 1(5) (b) (1) of this part" and in such new subdivision (b) strike "subparagraph (d) of this paragraph. That" and insert in lieu thereof "subdivision (d) alleging that";

(3) strike in its entirety clause (iv) of new subdivision (c) thereof and insert in lieu thereof the following new such clause (iv): "(iv) the increase or decrease for any rate filed within the second year following such date of enactment is not more than 7 per centum of the rate in effect on January 1, 1977";

(4) in new subdivision (d) thereof—

(A) after "interested party" and before "that—" insert the following: "or of the Office of Rail Public Counsel";

(B) after "injury to the complainant" and before "—" insert the following "or, in the case of the complaint of such Office, injury to a member of the public or the public generally";

(5) in new subdivision (f) thereof after the first sentence thereof and before the last sentence thereof insert the following two new sentences: "In any hearing under this

section, the burden of proof is on the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is compensatory, just, and reasonable. The Commission shall specifically consider, in any such hearing, proof that such proposed changed rate, fare, charge, classification, rule, regulation, or practice will have a significantly adverse effect on the competitive posture of shippers or consignees to be affected by such change."

Sec. 15. In section 202(f) of the bill in the clause preceding paragraph (1) thereof strike "to" and in paragraph (1) thereof immediately before "modify" insert "to".

Sec. 16. In section 15(3) of the Interstate Commerce Act (as amended by section 203(a) of the bill) (1) strike "in determining" in the first sentence of the new matter and insert in lieu thereof "With respect to carriers by railroad, in determining"; and (2) strike "(C)" and insert in lieu thereof "(c)".

Sec. 17. In new section 5b of the Interstate Commerce Act (as inserted in section 208(b) of the bill—

(1) in paragraph (6) (a) (1) thereof strike "discussions or";

(2) in paragraph (6) (a) (11) thereof strike "discussions or".

Sec. 18. In new section 24 of the Interstate Commerce Act (as inserted by section 304 of the bill)—

(1) strike out the brackets and the second sentence in subsection (b) thereof and insert in lieu thereof the following: "The Director shall be appointed by the Commission and shall be qualified and take office upon the approval of such appointment by a concurrent resolution of the Senate and of the House of Representatives";

(2) in subsection (c) thereof strike "recommendations" and insert in lieu thereof "recommendations";

(3) in subsection (e) thereof strike the comma after President and all that follows through the end of such subsection and insert in lieu thereof a period.

Sec. 19. In section 306 of the Regional Rail Reorganization Act of 1973 (as inserted in section 609(b) of the bill) strike out the bracket immediately before "Sec. 306".

Sec. 20. In section 403 of the bill—

(1) insert "(a)" immediately after "403";

(2) strike "(c) Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is" and insert in lieu thereof "(b) Section 5 of such Act (49 U.S.C. 5) is further";

Sec. 21. In section 404 of the bill, strike the bracket before "Sec."

Sec. 22. Amend the first six printed lines on page 69 of the Conference Report to read as follows:

"PROTECTION OF GOVERNMENT FUNDS

"Sec. 608. Title III of the Regional Rail Reorganization Act of 1973, as amended by section 609 of this Act, is further amended by inserting the following new section:

"PROTECTION OF GOVERNMENT FUNDS

"Sec. 307. (a) Audit.—(1) The Commission. Sec. 23. In section 27(1) (d) of the Interstate Commerce Act as added by section 306 of the bill, strike "or contract carrier subject to this part I, part II, part III, or part IV of this Act" and insert in lieu thereof "carrier by railroad subject to this part".

Sec. 24. In section 15(3) of the Interstate Commerce Act as amended by section 203(a) of the bill is amended by inserting after "proposed cancellation" the words "involving any common carrier by railroad."

Sec. 25. The amendment to section 6(6) of the Interstate Commerce Act by section 209 of the bill is amended by

(A) striking "each carrier or" and inserting in lieu thereof "each common carrier by railroad subject to this part or rail" and

(B) striking "any carrier" and inserting "any such carrier."

Sec. 26. Paragraph 9(b) of section 17 of

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the approach contained in S. 1823 and H.R. 4016 represents a reasonable compromise and the most equitable formula for division of these funds among the three groups.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BARTLETT. Mr. President, I ask unanimous consent that S. 1823 be indefinitely postponed. This is a companion bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1976

The Senate continued with the consideration of amendment in disagreement No. 75 to H.R. 9861, an act making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, for the information of the Senate, I am asking this question of the majority leader: Do we correctly understand that once action is taken either way on the Tunney amendment, that is final action in this body, and it will then go to the other body, and other action may be required; but so far as we are concerned, that is it?

Mr. MANSFIELD. The Senator is correct, because the conference report has been agreed to and all other elements in dispute have been agreed to.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I am very happy that the Senate, at long last, is going to have an opportunity to vote up or down on an amendment which is designed to prevent any funds under this defense appropriation bill from being programmed for military operations in Angola.

I have tried during the past week to make it very clear that I, for one, felt that it was a disastrous policy for us to become engaged in military action, either directly or through proxies, in Angola. Angola is a country which, unfortunately, is undergoing a rather tragic tribal war, resulting in some more than 450 years of Portuguese colonial rule, a rule that left about 10 percent of the people in that country illiterate when it ended.

I think there is a larger meaning than just Angola to the amendment which I and a number of others have sponsored. It seems clear to me that from now on, we should not allow the executive branch of government to engage the United States, directly or indirectly, in military actions in any part of the world without the prior approval of Congress. The Constitution makes it very clear

that Congress has the power to make war. Yet, in recent years we have lost that power to a considerable extent by the executive branch taking unilateral action and then presenting Congress with a fait accompli.

What was attempted in this defense appropriation bill was to secrete moneys that were to go to Angola for military purposes, to get Congress to approve of those funds, not knowing what they were approving, and then to say that they had congressional approval, once those moneys were made available, if anything went wrong.

I am very pleased that we are at last having an opportunity to vote on this issue up or down.

I should like to ask the distinguished and esteemed chairman of the Committee on Appropriations a question.

As the distinguished chairman knows, if my amendment carries, no funds will be available under the defense appropriation bill for use in Angola, directly or indirectly, for military purposes. The only funds that would be available would be for intelligence-gathering. Yet, within the last couple of weeks, we have passed a supplemental appropriation bill which, conceivably, might have funds in it which could be used for military purposes in Angola. It is my understanding that the distinguished chairman has indicated that before there could be any reprogramming of any funds that are subject to the supplemental appropriation bill, the chairman, when notified by the administration, by the President or anyone else in the administration, that such reprogramming is going to take place, would make that fact known to the full Appropriations Committee. I also understand that if the full Appropriations Committee agreed to that request for reprogramming, the chairman would then make such request to the full Senate; and that the full Senate, either in open session or in secret session, would have the right to approve of such funds.

Is my understanding correct?

Mr. McCLELLAN. Mr. President, there may be funds—the Senator said the supplemental appropriation bill?

Mr. TUNNEY. In the supplemental appropriation bill, yes.

Mr. McCLELLAN. Whether in the supplemental appropriation bill or some carryover funds from some other year or appropriation, any reprogramming request under the present system—and there is one pending, as the Senator knows, for \$28 million in this instance. The funds proposed to be reprogrammed there are out of this particular bill and not funds in the supplemental or some past appropriation, or carryover appropriation. So the pending request would apply to this appropriation bill.

May I say to the distinguished Senator, as I said yesterday when I initiated some effort to resolve this dilemma that confronted us, I said then and I repeat now that, in view of what I thought the sentiment of the Senate was then, before this vote a few minutes ago, I announced to my colleagues in the conference, where the Senator was present and a number of other Senators, that I would

not sign approval of reprogramming in this instance, except and only after full committee hearings on this proposal and a report to the Senate thereon giving the Senate an opportunity to work its will on the reprogramming request. I made that statement yesterday to the leadership as well as the distinguished Senator.

That is the way I feel about it now. Anyway, the Senator is aware that it takes both the Appropriations Committees of the House and the Senate, and also the Committees on Armed Services of the two bodies to approve this reprogramming request that is before us. Then I think—I do not know, but I would assume the others feel as I do about it, particularly now after the sentiment that has been indicated by this vote, but even before that. In view of the considerable amount of money involved, I would not, where there is any dissension apparent in the Senate, take the responsibility for authorizing such a reprogramming personally, and I doubt if many Senators would.

In this matter, I do not know whether now I shall hold any hearings at all on it. I feel it would be going through a futile exercise. I may not hold any hearings at all. There may be some developments that will arise later that will indicate that hearings should be held. But as of now, with the situation before us, and with this amendment as it is finally resolved, I would hold no hearings at all. This would indicate that no funds could be used for that purpose.

Mr. TUNNEY. I understand, and if there were an attempt to reprogram funds under any other appropriation bill that had passed—say 1974 funds or 1975 funds, would the Senator take the same attitude? He is saying he would take the same attitude?

Mr. McCLELLAN. I would not take it. I have already taken it. I took it yesterday, I take it today, I shall take it tomorrow. I think the Senate has the right to determine in these matters. I say further that I have suggested in another area that the Senate take some affirmative action to change the present situation.

There are many requests for reprogramming. Some of them come up in a way that could not possibly have been anticipated. Some change in situation develops and the reprogramming process, I think, is indispensable, maybe, to good government. But it casts upon some of us a pretty heavy responsibility.

I say to the Senator, not only in respect to this particular item or request that is now pending, there would be, possibly, other requests for reprogramming coming along where I would choose, and where I think my colleagues on the committee would choose, rather than make a decision ourselves, to hold hearings, possibly, and report to the Senate and, with a resolution, give the Senate the opportunity to express its will. But there are some of these requests where I do not think it would be expedient or necessary that every request for reprogramming through that cumbersome process.

If there is anything further, I shall try to answer the Senator.

Mr. TUNNEY. That answers my ques-

tion very fully. I thank my distinguished friend and chairman for having made it very clear what he did yesterday in the way of making a decision and now amplifying, on the Senate floor, what his understanding is with respect to future action on making funds available for Angola.

Mr. PASTORE. Will the Senator yield?

Mr. TUNNEY. Yes, I yield.

Mr. PASTORE. Will the Senator add me as cosponsor to this amendment?

Mr. TUNNEY. Mr. President, I ask unanimous consent that the distinguished Senator's name be added as cosponsor.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

Mr. TUNNEY. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Has the Senator yielded the floor?

Mr. TUNNEY. I have yielded the floor.

Mr. McCLELLAN. I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I shall be voting against the Tunney amendment, I feel that it is a serious mistake. The most that could be made available under the new procedures of the Senate Committee on Appropriations just announced by the distinguished chairman (Mr. McCLELLAN) would be \$9 million. These funds would require reprogramming. If the Tunney amendment is approved, there will be no more funds. There could be developments in Angola where maybe a little more money would be very helpful, it could mean the difference between winning and losing. We might want to provide additional funds, but it could not be done in time to do any good.

We are announcing to the world that we are through with Angola. I doubt if this is the right way to do it. I can understand people's feelings, but I am concerned about the many assertions made that it would cost us hundreds of millions of dollars in Angola. That is so far from the truth.

May I say, once more, that even if the Tunney amendment does not pass under the bill, the most that may be made available for CIA operations in Angola would be \$9 million, any additional would require reprogramming with the approval of the Senate Committee on Appropriations and the full Senate, as well as the Appropriations Committee in the House and the Armed Services Committees of both houses.

We should not be establishing far reaching foreign policy such as this without even a hearing by the committee.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield 4 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I feel like another Senator who said to me yesterday, "When I listen to one side I am convinced, and when I listen to the other side I am convinced," because there is much to be said and much has been said.

I do not like the Senate making foreign policy unilaterally. I, as a party leader, have certain responsibilities. I am aware, as I have said earlier, of the fact that the Secretary of State and, I presume, the President, regard this amendment as disastrous to our foreign policy in that part of the world.

Let me state the other side of it which also concerns me. I do not like us to get into situations which may tempt us into escalation. I do not believe we have a major national policy interest in Angola. I do recognize that the presence of the Soviet Union ought to be taken into consideration, and that there should be some response to it.

Now, this raises for me, frankly, a very serious dilemma. As I said, in speaking before the table resolution, I have never failed to support every President of the United States under whom I served in his foreign policy objectives, and sometimes that has been very difficult, and it has been without regard to the political party of the President, and I do believe that, as a party leader, I have that, at times, very difficult responsibility of seeking to advance the announced foreign policy of the United States.

So my own personal concern and my own heart is very heavy with the fear that we may reach a point of involvement which we have not anticipated.

My deep concern is that we may be running a risk of more involvement than we ought to assume.

On the other hand, as the leader here representing the administration's viewpoint, I have to conclude that I am more directly bound to accept their assertion as fact that the foreign policy of the United States will be seriously hampered by the adoption of the Tunney amendment. This forces me with reluctance to conclude that I must vote against the amendment.

I have taken the lead, with others, in seeking compromises. I firmly believe the proposed compromise discussed last night would have been better all around. I do not think the country is served by extreme positions on either side. I think if we had more time we would have more moderation here.

I think we are setting a very dangerous precedent if we are going to unilaterally alter the U.S. foreign policy and, for what is done here today, the Senate had better be prepared to accept full responsibility.

So I find my heart very much tilted in one direction. I find my sense of duty leading me to the conclusion that I must be consistent with supporting what I am convinced is the firm conviction of the administration that this amendment would be bad for the national interests of the United States and, therefore, I will have to vote against the amendment as sympathetically as I have listened to the arguments on both sides.

I may say I had not made up my mind until this very minute, and I have agonized over it ever since the issue arose. I wish these hard decisions would go away, but they will not. They have to be faced, and that is the way I am going to face them.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield to the distinguished Senator from Idaho.

Mr. McCURE. I thank the Senator for yielding his time.

Mr. President, I think there is so much to be said that it is difficult to synthesize it into the time that is available to us today. Of course, there has been extended debate on the floor of the Senate in the last 2 days in both closed session and open session in regard to this issue.

Let me say only this: The distinguished Senator from Minnesota, in the session the day before yesterday, made some comment about actions taken by the Senate which might be interpreted as fools following the fools. The difficulty I have is determining who are the fools that the rest are following.

I have a very difficult problem of resolution in my own mind based upon the almost total lack of information that this Senate had before us on which to base our judgment.

I think there is one thing that has emerged very clearly from all of these discussions, and that is the administration is still following the practices that have grown up over the years: They believe they can still, on sensitive matters, brief only a few Members of the Senate and have their policies adopted without a full and open discussion in the Senate of the United States.

Rightly or wrongly that time has ended and I hope the administration in all of its departments and agencies will have come to the conclusion at last that they must bring the Senate of the United States into the discussion and give us the facts by which we can make our own determination.

There is as of today a confusion concerning the facts of reprogramming money and how much money is available. The fact is that under the Tunney amendment, if it is adopted—and I have no doubt that it will be—no sufficient moneys can be reprogrammed to keep any kind of a viable operation going in Angola during the period of time we are trying to determine whether or not there should be one.

The result will be, as a matter of fact, that whatever operations the United States is involved in in Angola will cease—let me repeat, will cease. Let us not kid ourselves one minute about the fact that in some way we may be able to reprogram and keep this program going in Angola while we decide in January or February what it is we want to do. We are making that decision today.

Who are the fools following which fools? Where is the information on which we should be making our determination in regard to the cutoff of the program, a change of policy because, make no mistake about it, there is in this amendment a change of policy.

It would seem to me that on a matter of this gravity we should have in any kind of logic or good sense given ourselves the time to develop the information base, which was not provided us by the administration in the ordinary course of events up here, so that we could make

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an informed judgment about what our foreign policy decision should be.

The Senator from California, exercising a perfect right on his part, has forced us to make a decision before the Senate of the United States has enough information upon which it can make that decision.

Mr. NUNN. Will the Senator yield for a brief comment?

Mr. McCLELLAN. A very brief one.

Mr. NUNN. I want to answer that last statement of the Senator.

We are being forced to make a decision within adequate information. We are being forced to make a decision with inadequate information. We are being forced to make a decision that could be fundamentally important to the United States of America without having adequate information.

I have heard in the last few minutes classified information, I do not know whether it is absolutely accurate, that rebuts a lot of what was said in the secret session here yesterday. We have heard a one-sided presentation.

I do not in any way blame the people who feel the way they do on the Tunney amendment. But on the other hand, in the secret session we hear one thing and now other information which cannot be talked about on the floor, yet we are being called on under a time limitation to vote on an amendment.

There may be other people who feel like I do, and that is, it is very uncomfortable to have to make the kind of decision we are going to make with this kind of time limitation when we are getting new information about every 15 minutes on this subject.

I, personally, am very disturbed about this uncomfortable, awkward, and I think irresponsible position which we are placed in. I do not blame any one individual, but I think it is not the way to run a government.

Mr. McCLELLAN. I thank the Senator from Georgia and I agree with his sentiments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. I yield the Senator from New York 5 minutes.

Mr. BUCKLEY. Mr. President, I concur with all the sentiments expressed by the Senator from Idaho and the Senator from Georgia.

The fact is that we are subverting our own procedures, procedures designed by the Congress of the United States, for better or for worse, to oversee necessary activities of a sensitive, delicate type that require a flexibility of approach that this body simply is not equipped to handle.

In the process, I believe that we are throwing some signals around the world that can be extraordinarily dangerous in its potential.

Let us face it, we are not talking about Angola in this respect, but we are talking about the impressions that countries around the globe, friend and foe alike, will have from the action of this body in arbitrarily and abruptly cutting operations that the administration is pursuing in full accordance with the law,

negotiations and operations that do not commit the United States down the line to extravagance or something that would lead to warfare.

We seem to have abandoned any confidence in the legislation we enacted last year, the war powers law, which was supposed to have protected us from any such possibility, and at the same time we are preempting the work of the Church committee.

Let us face it, the Soviet Union is a serious power. The Soviet Union has objectives that cannot be described as either peaceful or friendly. The Soviet Union is willing to make large commitments. The Soviet Union can keep secrets.

It seems to me that what we are doing here today can only encourage further Soviet adventurism around the globe, and it can only discourage uncommitted nations or weak nations from ever looking toward the United States for any kind of support.

I believe, Mr. President, that this is a course of action that we are taking that can only be described as reckless, ill-considered, and dangerous.

I know that there is no hope of defeating the Tunney amendment, but I hope that it will, nevertheless, be defeated. I hope that over the intervening weeks Members of this body will reflect on what it is we are doing, reflect on the fact that in a very important way we are usurping the responsibilities that the Constitution of the United States places primarily in the Executive, that we have, in fact, destroyed the abilities of this Government to conduct covert operations.

I hope, Mr. President, that this amendment will be defeated.

Mr. CLARK. Will the Senator from California yield?

Mr. TUNNEY. Yes, I yield to the Senator from Iowa.

Mr. CLARK. Mr. President, the issue before us is very clear, as several Members here have stated.

The question is whether this body wishes to go on record at this time favoring the possible expenditure of an additional \$9 million in a tribal civil war in central Africa.

The question is really that simple.

As we know from other discussions here, it is not going to be possible to receive other funds through a reprogramming or other methods. So the decision the Members of this body must make is whether they feel that by spending another \$9 million, that somehow the policies of our Government in Angola are going to be suddenly turned around.

I think, in view of the magnitude of the problem on both sides, that is inconceivable.

I think before yielding back, because I know there are Members that are prepared to vote, that we ought to face up to that issue, each of us.

One can say many things about why we ought to be in Angola or ought not to be, but the real question is, if we vote yes or no here, do we wish to authorize and appropriate the money, \$9 million, to continue the war in central Africa.

Mr. MORGAN. If the Senator will yield

for a question, are we down to \$9 million, and if we are down to \$9 million how did we get there?

Mr. CLARK. I think it would be. But it is clear from the figures the various committees and administration officials have presented to us that that is all that is in this bill that could conceivably be transferred. It is not earmarked for that purpose.

Mr. McCLELLAN. That is not all that will be transferred. That is all that could be used without reprogramming.

Mr. CLARK. Yes; and as the Appropriations Committee said.

Mr. NUNN. Is the Senator telling us now, as far as the money is concerned, this entire amount boils down to whether we are going to save \$9 million, or whether we are going to spend the \$9 million as far as the money part is concerned?

It is not \$28 million involved or \$50 million or \$60 million, it is \$9 million?

Mr. McCLELLAN. In this bill, there is only \$9 million.

Mr. NUNN. I would just like to observe—

Mr. McCLELLAN. That could be used. None of the rest in this bill can be used without reprogramming, but I have advised the Senate would come to the Senate itself so it could work its will.

Mr. NUNN. That certainly is a fact, in my opinion. I do not think enough people realize that is the amount of money we are talking about.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished Senator from Arkansas.

I think the distinguished minority leader indicated in his opening remarks that he was heavyhearted. He was concerned about the U.S. Senate assuming the full responsibility of the decision.

The PRESIDING OFFICER. May I interrupt a moment to say that the Senator from Arkansas has only 1 minute remaining. I wanted him to be aware of that.

Mr. McCLELLAN. Mr. President, I beg the Chair's pardon, it is 40 minutes to the side.

The PRESIDING OFFICER. The unanimous consent—

Mr. McCLELLAN. I am compelled to ask unanimous consent for another 15 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. McCLELLAN. I was under the impression I had 40 minutes. I am very sorry.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

As I was indicating, I, too, am heavyhearted because we are going to assume the full responsibility here today, not because I do not want us to, but because I am firmly convinced we are going to assume the full responsibility for denying the U.S. Government an option in for-

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sign policy for somewhere between \$9 million and \$28 million, which could be determinative of America's relationship with the Soviet Union and, more importantly, because we are doing it predominantly upon misinformation or lack of information.

Suffice it to say that there has not been a committee member reporting to this Senate who spoke to the Secretary of State of the United States before this matter came to the floor of the Senate. As a matter of fact, while we come here today to vote on this, it is only by accident that informally the Secretary of State was called to tell us the facts about the options he is trying to protect here.

I can say this, if he is to be believed then we are acting upon either the impressions or opinions of other than the Secretary of State, which are different from his in at least five major areas. Without going into details, I will say what they are: his opinion as to whether we are alining ourselves with white South Africa so as to cause all of black Africa to be against us. His answer is, no. To the contrary, we have been invited by two major black countries to continue this participation for the next few weeks.

Second, suffice it to say that we have not been told all the facts as to why China is no longer putting some armament in this area. I will not go beyond that.

Suffice it to say that we have been led to believe this is a unilateral effort on our part. We have been told some of our NATO allies have been talked to; that the OA Unity group in South Africa has been called upon and will be working on the matter.

Suffice it to say we have been told—

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. DOMENICI. I thank the Senator for the time yielded, and thank him for accommodating me.

Mr. McCLELLAN. I yield 4 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, if I may, I would like to point out I do not care anything about the vote one way or the other, particularly at this time, favorable or not as to the money for Angola. I believe the Senator from California has already won his point. He has driven home the principles he is fighting for. He has obtained results. There will be none of this new money spent in Angola without the consent of the two Appropriations Committees of the Congress plus, as the Senator from Arkansas has said, this body. So, Mr. President, this primarily is a foreign relations policy question. We are attempting to decide the question here as a rider, a limitation, on an appropriation bill.

We ought to have the testimony and the counsel of the Foreign Relations and Foreign Affairs and other committees. The policy question ought to be decided in a bill, after hearings, and not as a limitation on an appropriation bill.

We are not going to settle the Angola question here with a little limitation on an appropriation bill. We are not going to settle it tonight, tomorrow, this year or next year, in my humble opinion. This is going to be a long, drawn-out affair in-

volving many of the countries of Africa. But where is the Senate going in the meantime?

We have a \$90 billion appropriation bill, plus the additional part that is in the 3-month period.

It has been worked on now for 13 months, to my own knowledge, by this subcommittee, and the Armed Services Committee considered the authorization for the military hardware and personnel and research that is in it. Some of the best staff members on Capital Hill have worked laboriously on this entire bill. All adjustments have been made, everything has been considered, as to what will our spending policy for armament, research and personnel for the military. This is for 12 months and an additional 3-month period.

What do our adversaries think of us? We have already run over 6 months into the year for which we are supposed to appropriate. This will take it over another month—7 months out of 12 for this period for which we are appropriating already gone.

If I was an adversary of this country, I would be thinking, "Those people do not know what they want and they do not know how to get anything settled when they do want it."

The Senator from California has established his point. I am not directing anything at him except victory for his side of this matter.

The Senator won his point for getting consideration on this particular money.

There must be a policy evolved. I have been wanting more of a policy evolved on all covert matters. I have never liked the taste of it.

I will say if this country is going to run its foreign relations and military affairs and everything else, by limitations coming in at the last minute, with half of the year gone, as limitations on appropriations bills and thereby set vast, worldwide policy questions, then we are on the way down. Everybody will know it except us.

I say this deliberately because I am concerned.

I hope that what little I can say—I do not expect to change votes—will have some warning value.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KENNEDY. Will the Senator yield 2 minutes?

Mr. TUNNEY. Does the Senator want another minute or two to complete his remarks?

Mr. STENNIS. I would like to continue for another minute.

Mr. TUNNEY. I yield.

Mr. STENNIS. I would just like to mention several programs that are considered important. They have been debated when the bill was up. The money has been put in the bill. All items are still being held up. No contract plans can be made. Industry is standing by and the Department is standing by. Everybody is standing by having to wait, wait, wait 6 months, almost 7 months, but nothing can be done.

I plead for a better policy than that, not just for the Department of Defense, but for all departments. Otherwise, we

are not handling our affairs, I humbly suggest and with great respect to everyone, in the right method and in the right manner, and we are not being effective. Particularly, let us not try here to settle a worldwide policy question by a rider on an appropriation bill. How far can we go?

I thank the Senator for yielding.

Mr. KENNEDY. Will the Senator yield 3 minutes?

Mr. TUNNEY. I yield 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I think our distinguished colleague and chairman of the Armed Services Committee has put the question very clearly, when he states that the real issue is whether we are or are not going to decide policy.

I believe everyone in this body remembers the years when, by the failure of the Congress to act on the Vietnam issue, we had indeed voted for a defense appropriation that was thrown back to us time and time again, and that we were in error by approving a policy that kept us in Vietnam. Every Member of this body remembers that.

Without the inclusion of the Tunney amendment we will be saying exactly the same thing with regard to Angola. We will permit the administration to say, without the Tunney amendment, that we have known about our Nation's involvement in Angola, and yet we are unprepared to take a position on this policy issue.

I would agree with the Senator from Mississippi, that this is the issue, whether we are going to pass an appropriation bill that is going to permit the administration to say, "They knew about it up there in the Senate of the United States and refused to take a position," or whether we are going to heed the lessons of Vietnam. As shown by the early votes on this issue we have a clear bipartisan majority in this Senate insisting, that we have learned the lesson of Vietnam as it applies to covert activity in Third World countries, and that we are going to stamp into policy on this bill this afternoon the fact that we in the U.S. Senate do not concur with the administration, which apparently has not learned the policy and has not learned the lessons of Vietnam by suggesting that we abandon the Tunney amendment.

I am hopeful that for the very reasons that the Senator from Mississippi has stated, for the policy reasons, the amendment of the Senator from California will be overwhelmingly accepted. I reserve the remainder of my time.

Mr. BARTLETT. Will the Senator yield?

Mr. McCLELLAN. I yield 1 minute.

Mr. BARTLETT. Mr. President, the question is not whether we decide to act in this manner but it is how we decide to act, whether we decide to act in haste or act deliberately.

Are we going to just undercut the executive branch of the Government, which is following the outlines of congressional options, and cut off what they have already started without proper

deliberations, without the full information that we are entitled to have?

Certainly it is not a matter of favoring covert action, but I think it is a matter of considering at some length what the future policy should be, and continuing the present support for the time being, in order that we can act in January or February, after considering all sides and all the facts and knowing what we are doing.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. BARTLETT. You bet.

Mr. KENNEDY. Why not just put on a moratorium now, and let the administration come up and defend the policy?

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Does the Senator wish more time?

Mr. BARTLETT. Yes, I would appreciate it.

Mr. TUNNEY. I yield the Senator another minute.

Mr. BARTLETT. I thank the distinguished Senator.

There was nothing in the legislation which authorized the executive branch to counter covert actions by the Soviets with covert actions by ourselves, and to come up to Congress and justify that, other than to do it through committee. This is being done. But if we act very precipitously here, in great haste, and undercut them, who would really be speaking for the United States? I think they would be saying around the world that we are speaking with a forked tongue, that no one knows what the United States is doing, that the executive branch says one thing and Congress acts contrary to that.

I think we should support the administration until we have a chance to consider this matter in a deliberate fashion, as a deliberative body should.

Mr. McCLELLAN. Mr. President, I yield myself such time as I may require.

I would like to preface my remarks by saying that whatever I may say is said with due deference to and respect for my colleagues who may have differing views from those which I shall express. I speak more, Mr. President, in the role of a Senator than I do as chairman of the Appropriations Committee, because as chairman of the Appropriations Committee I have little concern about whether some particular item in an appropriation bill is stricken out or some item is added to the bill. Certainly that is true when the sum involved is only \$9 million.

But there is something much greater involved here than just \$9 million.

Mr. President, I made every effort I could to bring about a solution to this situation. First, I sought not to have any expenditure made between now and when Congress returns. Yesterday afternoon in the conference that has been referred to there was an apparent agreement, or obviously a possibility of an agreement to let the administration spend this \$9 million, with the additional balance of \$3 million they still have in the reserve fund, which would carry the issue over until we come back in January at which time or during which time I proposed to call the Appropriations Committee to-

gether and hold hearings, and give the administration an opportunity to make its case. I said the committee would then report to the Senate on the pending reprogramming request and give the Senate an opportunity to work its will.

That was clearly understood. There can be no mistake about it. Now this morning the Senate comes in and turns down the \$9 million in this bill. This action denies the opportunity for the administration to thoroughly make its case and for us to hold hearings and do what this body should do, conscientiously consider and fully deliberate on this issue.

We are signaling to the world today—we are signaling to the Kremlin at this hour that now that you are there, whatever your ambitions are, whatever your goals may be—even to establish a military base right across the shipping lanes of the Atlantic, we are moving out, and “you can have it.” We are saying we will not even invest \$9 million for 3 or 4 weeks’ time, to give us an opportunity to properly consider and deliberate upon this issue before we decide it.

Yes, I think there will be great elation in the Kremlin when they know what we are doing and have done. I think there is confusion and consternation in other countries, who look to us for leadership and wonder whether our word is good any longer, or whether this Nation is so divided that there can be no reliance upon the efforts of our constitutional officers whose duty it is to conduct foreign affairs for us.

Well, you have made the decision. Today you strain at a gnat. When you get the foreign aid bill up, which provides \$1.5 billion in military aid to Israel and \$750 million to Egypt, Israel’s enemy, in economic funds, you do not strain there, you swallow a camel.

What kind of a policy does this Nation have? I think there is good reason for the Senate, in meeting its responsibility, to weigh most carefully the whole policy in this field. But it is not weighing it carefully now. It is precipitously saying, “All right, Mr. Soviet, we are stepping out; take what you want. You have got the arms over there; you can overpower these people if you want to, you can establish military bases if you like. We have no further interest.”

God save America from that kind of a retreating foreign policy and the consequences thereof. You will have your way today but this can well be a sad day indeed for America and other areas of the non-Communist world.

SEVERAL SENATORS: Vote! Vote!

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I have listened closely and carefully to the Senator from Idaho (Mr. McCURE), the Senator from Georgia (Mr. NUNN), and the Senator from New York (Mr. BUCKLEY).

I associate myself with these remarks. Much of the argument heard on this issue has been based upon inadequate and oftentimes faulty information.

I am sure we all agree that we do not want to back into another war with our eyes closed. I would hope, on the other hand, that with the important negotia-

tions taking place between our country and the Soviets, we would not resolve a worldwide policy issue in the fashion and with as few facts as we presently possess.

Mr. President, I think the proposal made by the distinguished chairman of the Appropriations Committee has great merit. I regret that it was not given the consideration I believe it deserves.

I shall vote against the Tunney amendment.

Mr. PELL. Mr. President, in considering the dangerously evolving situation in Angola, in what has become the first major test of post-Vietnam policy, it is discouraging in the extreme that so little appears to have been learned from the past. Once again, a long and largely secret U.S. involvement in a distant country has reached the threshold of a major commitment. And, until recently, few have been in a position to raise fundamental questions regarding the direction and nature of this policy.

There is little need to trace the detailed history of the present situation in Angola. The United States, Soviet Union, People’s Republic of China, and most recently South Africa have all attempted both indirectly and directly to influence the balance of power in that country. For years three competing local factions, the MPLA, FNLA, and UNITA have sought to dominate this newly emergent country. For years, this struggle was obscure and hardly noticed; suddenly, it is being debated everywhere.

What, then, is the reason for this dramatic upsurge in interest in Angola? It is difficult to believe, as some have claimed, that it is due to any new-found, strategic importance in Angola itself. Angola has always possessed significant mineral resources and has always been the beneficiary of a fine harbor with military potential.

Rather, increased American concern in Angola appears to result from increased Soviet involvement in Angola. The United States has been caught reacting to Soviet initiatives, while the goals of American policy remain undefined.

As the situation now stands, unless the United States injects a massive amount of military assistance, the Soviet-backed MPLA will emerge victorious. But what will the Soviets have gained for all their intrigue and efforts?

Quite simply, any Soviet “victory” will be short-lived. The most powerful force in the nonaligned world is nationalism—an ideology that rejects external control regardless of whether the ideology comes from the East or West. One has only to recall recent Soviet failures in Egypt and Mozambique to realize this fundamental fact characterizing the world today. Tragically, the United States is forfeiting opportunities for long-term benefits in Africa and elsewhere by over-reacting to the short-term Soviet initiative in Angola. The United States would do far better to take a long view of history, condemning all outside interference in Angola while concentrating on more constructive policies of assisting economic and social development in Angola and elsewhere.

Moreover, the United States has been

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tainted in all Africa by its "guilt by association" with the Government of South Africa. As a result, we are sure not only to fare badly in Angola, but we are sure to fare badly throughout the entire continent of Africa until this ill-advised association is dissolved.

Today, more than 20 years since the initial American involvement in Vietnam, it seems that the foreign policy of the United States is still guided by the philosophy of containment. Yet cold war perceptions of global strategy and "zero-sum" competition with the Soviet Union bear little relevance to a situation dictated mostly by local loyalties defined primarily by region and tribe. Manufactured rationales for the United States involvement in Angola cannot hide the fact that Angola itself is not the issue; rather, it would appear that Angola has been chosen as but the most recent symbol of U.S. determination to act internationally.

Before the United States further involves itself in Angola, it is the responsibility of the administration to explain fully its policy both to Congress and the American people. Many questions remain unanswered. What is the strategic importance of Angola? What are the implications of either continuing or terminating our involvement? What diplomatic alternatives exist bilaterally with the Soviet Union or multilaterally in the United Nations for the United States?

Ultimately, however, Angola may be most important for providing a dramatic reminder that the United States has yet to fashion a coherent foreign policy for the post-Vietnam era. What is clear is that expectations of détente must be lowered. Détente is not a mutual commitment between superpowers who support the status quo but rather a fluid relationship which primarily attempts to avoid direct confrontation. And beyond a more realistic view of détente, what is required is a new definition of interests and commitments—one which is supported by the American people and which recognizes the limitations of America's ability to influence events everywhere in the world.

Mr. TUNNEY. I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back the remainder of his time?

Mr. McCLELLAN. I yield it back.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY), as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE (when his name was called). On this vote I have a pair with the distinguished Senator from the State of Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will suspend.

The clerk is having difficulty hearing responses of Senators.

The Senate will be in order.

The clerk may proceed.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will suspend. The Senate will be in order so Senators may hear their names when called. The Senate is not in order. Senators are asked to take their conversations to the cloakroom.

The clerk will not proceed until the Senate is in order.

Mr. ROBERT C. BYRD. Mr. President, some Senators have airline reservations. I hope Senators will heed the request of the Chair in the Chair's efforts to get order in the Senate which is the duty of the Chair, by the way, under the rule.

The PRESIDING OFFICER. The Senate is still not in order.

The clerk may proceed.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate and may the well be cleared?

The PRESIDING OFFICER. Senators and staff members are asked to clear the well. Senators are asked to take their conversations to the cloakrooms. The Senate will be in order.

The Chair thanks Senators.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. JACKSON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Mexico (Mr. MONTROYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), the Senator from Florida (Mr. STONE), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Florida (Mr. STONE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The result was announced—yeas 54, nays 22, as follows:

[Rollcall Vote No. 611 Leg.]

YEAS—54

Abourezk	Hatfield	Pearson
Allen	Hathaway	Pell
Biden	Helms	Percy
Brooke	Huddleston	Proxmire
Bumpers	Humphrey	Randolph
Burdick	Inouye	Ribicoff
Byrd, Robert C.	Javits	Roth
Case	Kennedy	Schweiker
Clark	Leahy	Scott,
Cranston	Magnuson	William L.
Culver	Mansfield	Stafford
Durkin	McGovern	Stevens
Ford	McIntyre	Symington
Garn	Metcalf	Taft
Glenn	Mondale	Tunney
Gravel	Moss	Weicker
Hart, Gary	Muskie	Williams
Hart, Philip A.	Nelson	
Haskell	Packwood	

NAYS—22

Baker	Domenici	Nunn
Bartlett	Griffin	Scott, Hugh
Beall	Hansen	Sparkman
Bellmon	Hruska	Stennis
Buckley	Long	Thurmond
Byrd,	McClellan	Tower
Harry F., Jr.	McClure	Young
Curtis	Morgan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

McGee, for.

NOT VOTING—23

Bayh	Eastland	Laxalt
Bentsen	Fannin	Mathias
Brock	Fong	Montoya
Cannon	Goldwater	Pastore
Chiles	Hartke	Stevenson
Church	Hollings	Stone
Dole	Jackson	Talmadge
Eagleton	Johnston	

So Mr. TUNNEY's amendment, as amended, was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist upon its amendment and request a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

Mr. CLARK. Mr. President, I object.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the motion.

Mr. CLARK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. What is the question now? If a Senator will vote "aye," what happens? If he votes "no," what occurs?

Mr. McCLELLAN. Mr. President, I have followed the usual procedure. If the Senator does not want conferees, I will withdraw the motion.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. FORD. That answers my question.

The PRESIDING OFFICER. The motion is withdrawn.

THE SENATE AND ANGOLA: IN THE TRADITION OF WAYNE MORSE

Mr. CRANSTON. Mr. President, today the Senate has refused to accept what might well later have been termed the

equivalent of a "Gulf of Guinea Resolution."

But we will now have no new "Gulf of Tonkin Resolution" opening the way to a Vietnam-type disaster in Angola.

That is the meaning of the majority vote for the Tunney amendment barring any funds in the Defense appropriations bill from being used "for any activities involving Angola other than intelligence gathering."

We have refused to commit this body by voting funds for covert purposes that could be used to more deeply involve the United States in a civil war. The voting of funds could have been cited later by the administration as congressional authorization of deeper and ever more dangerous U.S. involvement in Angola.

We have weighed the potential consequences of intervention on an installment plan, as Wayne Morse tried to get his colleagues to do back in August 1964, when the Senate was debating the Gulf of Tonkin resolution.

Mr. President, we have over the past several days heard repeated assurances that we are defending "freedom" in Angola.

We have heard assurances that what the administration seeks will not lead inevitably to escalation.

We have heard again that the President has limited intentions, and that Congress will have ample opportunity under the exercise of its constitutional powers, with the help of the War Powers Act, to restrain the President, should his intentions change.

All of this has a familiar ring.

But the simple fact remains that once the President involves the Nation in a war, whether with money, weapons, or men, it is harder to turn back.

National pride becomes involved.

Crises develop which produce emotional, not rational, reactions.

The time to stop is at the beginning.

Mr. President, I was not in this body in 1964, when the debate over the Tonkin Gulf Resolution took place.

The approval of that resolution led inevitably to the catastrophic escalation of the war in Vietnam.

There are many here now who were here then—and have long since come to regret the action that the overwhelming majority of the Senate took that day—on August 7, 1964, by a vote of 88 to 2.

Just before that historic vote took place, the late, great Senator Wayne Morse of Oregon, who—along with the late, distinguished Senator from Alaska Ernest Gruening—were the sole dissenters that day, made a speech on the floor of this body. For its courage, prescience and inherent wisdom, it must go down as one of the greatest speeches ever delivered in the U.S. Senate.

Senators Morse and Gruening both lost their seats in 1968, and died less than a month apart in 1974.

Their voices cannot instruct us now.

But, for the benefit of those who did not hear that 1964 speech, and as a reminder to those who heard, but did not heed its message, I ask unanimous consent that Senator Morse's speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SPEECH OF SENATOR MORSE

Mr. MORSE. Mr. President, in view of the debate which took place last night, which we did not contemplate at the time we entered into the unanimous-consent agreement, as I have stated to the majority leader, I wish now that we had fixed the time to vote at 12 o'clock today. There is little remaining to add, by way of rebuttal, to what I said last night, except the points that I shall cover this morning. However, I do want to discuss in some detail the predated declaration of war aspects of this unfortunate resolution.

I hope, as I said to the majority leader, that the defenders of this unfortunate resolution will come to the floor of the Senate and give a defense of it in answer to the points that I made in rebuttal last night and shall amplify this morning. I am waiting for their replies.

I have a little reply of my own to make this morning to the Washington Post. There is a very fallacious editorial in this morning's Washington Post entitled "Democracy's Response." I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

DEMOCRACY'S RESPONSE

Congress is responding with commendable promptness and with an almost unanimous voice to President Johnson's request for support in the Southeast Asia crisis. The President consulted the leaders of both Houses and then asked for a supporting resolution not only because he felt the necessity for congressional approval of what is being done, but also because he wished to demonstrate before the world the unity of the American people in resisting Communist aggression. That unity has been demonstrated despite the reckless and querulous dissent of Senator Morse.

There is no substance in Senator MORSE's charge that the resolution amounts to a "predated declaration of war." On the contrary, it reaffirms the longstanding policy of the United States of aiding the States covered by the Southeast Asia Collective Defense Treaty in the protection of their freedom as a contribution to international peace. It pledges military action only to resist aggression against American forces in that area. Of course, the President has authority to respond to attacks upon American forces without any approval in advance by Congress. So the resolution means only a recommitment of the Nation to the policy it has been following—an almost unanimous recommitment in the face of the inexplicable North Vietnamese challenge.

This means of reasserting the national will, far short of a declaration of war, follows sound precedents set in other crises. President Johnson noted in his message to Congress that similar resolutions had been passed at the request of President Eisenhower in connection with the threat to Formosa in 1955 and the threat to the Middle East in 1957. The same course was followed in 1962 at the request of President Kennedy to meet the missile threat in Cuba. None of these emergencies led to war. Rather, the firm action that this country took interrupted Communist maneuvers that might otherwise have led to war.

Congress ought to be very pleased with the now firm establishment of this mechanism for meeting an emergency with a united front. Reliance solely upon the power of Congress to declare war as a last resort would not be appropriate in these days of repeated crises short of war. A resolution

of support for the executive arm in meeting an emergency has all the virtue of rallying national strength behind a firm policy—without taking the calamitous step of war in this nuclear age. We surmise that the almost unanimous sentiment behind this resolution on Capitol Hill reflects appreciation for the President's sharing of responsibility as well as support for the tough punishment for aggression that he initiated.

Mr. MORSE. The Washington Post has demonstrated in editorial after editorial that it does not have a good constitutional lawyer on its editorial staff. The editorials published in the newspaper demonstrated that fact constantly. In an editorial which appeared in this morning's issue of the newspaper there appears the following statement:

"There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war.'"

One wonders whether or not the editorial writer has ever read the joint resolution. No one can read the joint resolution and the authority proposed to be given the President in the joint resolution without recognizing that it would clearly authorize the President to proceed to follow whatever courses of action are necessary in his opinion; and such action would constitute authority to conduct war.

I should like to make an additional comment on a statement in the editorial in reference to resolutions passed by previous Congresses. In the body of the editorial the statement is made:

"President Johnson noted in his message to Congress that similar resolutions had been passed at the request of President Eisenhower in connection with the threat to Formosa in 1955 and the threat to the Middle East in 1957. The same course was followed in 1962 at the request of President Kennedy to meet the missile threat in Cuba."

The editorial writer apparently had not read, or certainly had not read recently before he wrote that editorial, the Cuban resolution, for there is no similarity between the Cuban resolution on the one hand and the Formosa, the Middle East, and the pending resolutions on the other hand.

But returning to the comment of the Washington Post that there is no substance in Senator Morse's charge that the resolution amounts to a "predated declaration of war," I should like to read for the benefit of that unenlightened editorial writer of the Washington Post page 2 of the joint resolution:

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President—"

Not the Congress, but of the President—"as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

The joint resolution thus gives the President warmaking power.

I shall come to another section of the resolution same item in a moment. The Commander in Chief, the President of the United States, has the inherent constitutional power immediately to defend the United States in case of an attack, but he does not have the inherent power after that immediate defense to proceed to make war. That is the distinction which this unenlightened editorial writer of the Washington Post has never grasped.

Mr. President, the right of immediate defense is something quite different from the right to proceed to lay out a campaign of war. Under the joint resolution the President would be given the authority to go beyond immediate self-defense of the United States and proceed with a war campaign. That is

why I say today, as I said in 1955, and as I said at the time of the Middle East resolution, that such resolutions constitute a predated declaration of war. The Washington Post editorial writers ought to consult with Senators who occupy high positions in the Senate on the other side of the issue in connection with the defense activities of the country. They might be surprised to learn that they are not quarreling with the Senator from Oregon in regard to the effect of the joint resolution. The joint resolution does propose to give the President of the United States authority beyond the inherent authority that he already possesses to act immediately in national self-defense.

Mr. President, that is a very important distinction, in constitutional law. The Senator from Oregon repeats that, under the Constitution, the President has no power to wage war until a declaration of war is passed by the Congress. The joint resolution is a contravention of article I, section 8, of the Constitution, just as the Formosa resolution and the Middle East resolution were contraventions of the Constitution and caused the senior Senator from Oregon in the debate on those two resolutions to take a stand in opposition. As one of the Armed Services Committee leaders of the Senate told me this morning, "Wayne, there is no difference between the position that you are taking today and the position that you have taken consistently with regard to the other resolutions. No one can really quarrel with your conclusion that the joint resolution does go beyond the inherent authority of the President to act in the self-defense of our country and does vest in him authority to proceed to carry out a campaign that amounts in fact to the waging of war."

Mr. President, I do not believe we should do it. It is not necessary to do it. There is inherent power in the President as Commander in Chief under the Constitution to meet an attack immediately, and then come to the Congress of the United States asking for a declaration of war. We should require those steps, rather than give the President blanket authority under the joint resolution to proceed to wage war without a declaration of war.

Ah, but it may be said, and is said, by some in conversations with me, "But, WAYNE, a President would not do that for very long."

I do not care whether he does it for a short time or a long time. It is not necessary for him to do it, so long as he has the inherent authority to meet attack with immediate self-defense actions.

As I said in 1955, I believe it is important in these trying times that we not extend and expand the authority of the President of the United States beyond the limits of the Constitution.

It may be said that if the President should commit an unconstitutional act under the joint resolution, or if the joint resolution in effect, as argued by the Senator from Oregon, is an attempt to give to the President an unconstitutional power, he can be checked. I wish I could say that he could be. The difficulty in relation to these constitutional questions as they involve the Presidency of the United States is that we do not have a procedure for having them tested in the U.S. Supreme Court. That has been the subject of great discussion, concern, and debate among constitutional lawyers for many decades. It is difficult to bring the President of the United States before the U.S. Supreme Court. Our constitutional fathers provided for other procedural checks upon the President of the United States, one of which is impeachment, which, of course, is unthinkable when we have a President who seeks only in the exercise of his powers—though he may be mistaken in regard to having exceeded an inherent power—to protect the interest of the United States. But that is a

check that is provided in the Constitution. Then, of course, we check the President in regard to the purse strings by way of appropriations.

We have the authority, of course, to check the President by way of appropriations, with his ancillary check on Congress of the veto. It is not impossible to eventually get a case before the Supreme Court involving the warmaking powers of the President, but the legal road could be long and tortuous. The time consumed would make the question moot by the time it was decided as far as the emergency is concerned will give rise to the issue in the first instance.

When Congress passes a joint resolution such as this, it is practically impossible—in fact, I think it impracticable—procedurally to have the power checked, on constitutional grounds, before the U.S. Supreme Court. I do not know, and I know of no constitutional lawyer who has ever been able to point out, a procedure by which we could bring the President before the Court on the charge that he was making war unconstitutionally. I can hear the Court, in refusing jurisdiction, say, "Congress will have to follow the procedures set out in the Constitution for checking the President."

So I am concerned about the resolution in respect to its giving to the President what I honestly and sincerely believe is an unconstitutional power—that is, the power to make war without a declaration of war. It feeds a political trend in this country that needs to be checked. For some time past in this Republic we have been moving in the direction of a government by executive supremacy.

It is very interesting to listen to the arguments that one hears for extending and expanding the power of the White House. It is extremely important—and I speak soberly and out of a depth of great sincerity—that we never grant a single power to any President, I care not who he is, that in any way cannot be reconciled with that precious fundamental foundation of our Republic; namely, a system of three coordinate and coequal branches of Government.

It is dangerous to the freedoms and liberties of the American people to vest in any President, at any time, under any circumstances, power that exceeds the constitutional concept of three coordinate and coequal branches of Government.

The American people will quickly lose their liberty if you do not stop feeding the trend toward Government by executive supremacy. In my opinion, the joint resolution would do just exactly that. It would give to the President of the United States an authority which, in my judgment, he does not need, by any stretch of the imagination. He has inherent power to react, in the self-defense of this Republic, in the event of an immediate attack.

It is particularly essential that we continue to require a President of the United States to conform to article I, section 8, of the Constitution, in regard to making war, and that we continue to hold any President—I care not who he is—under the strictest restraint with regard to the making of war.

We have entered an era of civilization in which an unconstitutional act of war on the part of a President of the United States can lead to nuclear war and the end of this Republic, no matter how sincere a President may be in his intentions in respect to exercising the power to make war.

We need to be on guard in respect to vesting power in the White House. The White House has plenty of power under the Constitution. I am for giving the White House no more power than the Constitution gives him.

I have heard sincere colleagues on the floor of the Senate—and I respect them—

differ with me in regard to the effect of the joint resolution. There are also colleagues on the other side of the issue who have come to me and said, as did one who discussed it with me this morning, "WAYNE, there is no doubt as to the effect of the resolution that you are pointing out, and that you pointed out in 1955. It bothered me in 1955; but we have every reason to count on the fact that the President of the United States will not abuse the power."

Mr. President, I do not think he would deliberately abuse the power, but he could most sincerely exercise the power in a manner that would result in great damage to this Republic.

There is an elementary rule of law which states that when we come to deal with procedural matters, if a procedure is subject to abuse we had better change the procedure.

My majority leader, who always is courteous to me and was exceedingly courteous to me in arranging the format for this debate, has heard me say many times as we have served together in this body that we should never forget that our substantive rights are never any better, and can never be any better, than our procedural rights. Our procedural rights determine our substantive rights. There are no substantive rights unless there are procedures for implementing them.

I have said many times—and the statement should be applied to this issue, because it is applicable—let me determine the procedure of any human institution or the administration of any law, and I will determine all the substantive rights anyone may have under that law, that tribunal, or that administrative body. Let me determine the procedure of any courtroom, and I will determine all the substantive rights that can be adjudicated in that courtroom.

Although some critics will say that this principle involves a legalistic abstraction, nevertheless the great principles of so-called legalistic abstraction are principles that determine, in the last analysis, whether one remains a free man or not. This is true because the procedures of our Government written into the Constitution and the laws of our country determine our substantive rights as freemen.

In my judgment, the pending joint resolution tinkers with and impairs the great procedural rights of the American people written in article I, section 8 of the Constitution—namely, that the power and the right to declare war is vested in the Congress, and not in the President of the United States.

War cannot be declared speculatively; war cannot be declared in futuro under article I, section 8 of the Constitution. War cannot be declared to meet hypothetical situations yet to arise on the horizons of the world. War is declared in relation to existing operative facts of the moment of the call for a declaration of war.

In the resolution before the Senate—and I shall read the section to which I have referred and another section momentarily—the President of the United States would be given power to make war in relation to operative facts not now in existence, but which may come into existence in futuro. That cannot be reconciled with article I, section 8 of the Constitution.

For the education of the unenlightened editor of the Washington Post who wrote the ignorant editorial in respect to this constitutional point, I hope he will reread article I, section 8 of the Constitution, and that he will read again—assuming that he ever read the resolution before he wrote the editorial—the section to which I have referred and read, and which I repeat. That part of the joint resolution reads:

"The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary meas-

ures to repel any armed attack against the forces of the United States and to prevent further aggression."

Let us analyze that sentence for a moment. Let us analyze that part of the sentence that deals with the inherent power of any commander in chief, any President, to react immediately in the defense of this Republic. That part of the sentence is not needed. He has that power now. If there is to be read into that part of the sentence which starts on line 4—"to take all necessary measures to repel any armed attack against the forces of the United States"—authority to commit an act of aggression, preventive in nature, it goes beyond the Constitution.

That was my argument in 1955. How well I remember it. In 1955 I participated in the same format of committee organization in which I took part yesterday; namely, a joint meeting of the Armed Services Committee and the Foreign Relations Committee. I opposed the Formosa resolution. My recollection is that in committee in 1955 two of us took that position. When we came to the floor of the Senate, my recollection is that I was supported by a third member, as I said last night, the great Senator from New York, Herbert Lehman; and I believe we ended in 1955 with three Senators voting against the resolution. As I remember my opening speech in 1955—and the Record will speak for itself—I said, as I say now, that I was standing in a position on the floor of the Senate in which a few other liberals had stood throughout the history of this great parliamentary body. Like them I was confronted with the choice of telling the American people what I was satisfied they were entitled to know about their foreign policy, and run the risk of violating the rules of secrecy of the Senate, thereby risking the discipline of the Senate, or falling in my obligation to tell the American people things that I thought they were entitled to know in regard to the foreign policy of the country and avoid running the risk of being disciplined by the Senate.

If Senators will read that speech they will see that I said I thought I could give the American people what they should be warned about within the rules of the Senate, without subjecting myself to Senate discipline. Senators will find that I said—I paraphrase the speech, but accurately:

"I wish to tell the American people that this a preventive war resolution; and if any Senator has any question about it, let him go to the floor below and read the testimony go to the Foreign Relations Committee on the floor below and read the testimony of the Secretary of State—"

Who was then John Foster Dulles—

"and the testimony of the Chairman of the Joint Chiefs of Staff of the Military Establishment—"

Who was then Admiral Radford.

I said:

"If Senators will read that testimony, they will know that behind this resolution is the proposal that the Military Establishment and those in charge of American foreign policy are to be given the authority to make a strike against the mainland of China before China makes a strike against the United States. Such a strike would be an act of aggression. Such a strike would be an act of war. Authorization for such a strike in the Formosa resolution amounts to seeking to give to the Military Establishment, without a declaration of war, the power to make war. Senators will find that clear power in the resolution."

Senators will remember that in 1955 the senior Senator from Oregon took that position in the hearing before the committee. My position became known. After I took that position the chairman of the committees sitting jointly, Mr. Walter George, of Georgia, declared a recess, and announced that he

would go to the White House for the purpose of discussing with the President the argument that I had made in committee. He went to the White House. Out of that conference came the famous White House pronouncement with respect to the Formosa resolution, in which President Eisenhower announced that he, and he alone, would make the decision under that resolution as to what course of action this Government would follow in implementing the Formosa resolution.

Senator George came back and had a conference with me. He thanked me for what he considered to be the service I had rendered. He said, "It was a very important service. I would not support the resolution in the absence of the White House announcement." He said, "WAYNE, I hope you will work with me now to help get the resolution through the Senate."

I said to the chairman of the Foreign Relations Committee, who served on that occasion as chairman of the committees sitting jointly, "That does not make it any better so far as I am concerned. You missed the point of my objection. Although the testimony in committee would have left the impression that the Secretary of State and the military officials could have made the decision, they will still be making the decision, because the President will follow their advice." I said, "I would not vote for it if they had no voice in it at all, because I will not vote to give to any President this power, because the Congress of the United States must jealously guard its prerogatives under article I, section 8 of the Constitution. All that the President needs to do is to come before Congress and ask for a declaration of war. He has inherent authority to meet an emergency that requires national self-defense action prior to the time he gets to the Congress."

Senators will note in the Record that I used the beginning of the war with Japan as a precedent. I said, "After the strike at Pearl Harbor, Franklin Delano Roosevelt exercised the power as Commander in Chief to defend this country in national self-defense, but he came to Congress for a declaration of war."

I made that argument in 1955. I repeated it in summary form at the time of the Middle East difficulty, and I am summarizing it again in this historic debate.

I have heard no answer in all the intervening years to the constitutional point that I now raise, and of which the editor of the Washington Post who wrote the editorial this morning is abysmally ignorant.

Mr. President, this joint resolution is not needed for the defense of the Republic. It should not be used to make an end run around article I, section 8, of the Constitution. So long as an attack is in progress, the President has the inherent power to protect the Republic in self-defense. But there is reserved to Congress, under the Constitution, the responsibility of passing judgment on whether or not even an attack calls for our declaring war. It may very well be that after a response to an attack, the attacking party may start diplomatic maneuvers into motion—to surrender, to capitulate, to ask for a negotiated settlement, or to resort to the rule of law—which might cause Congress, in exercising its authority under the Constitution, to check the President and cause him to decide not to make war at that time. It is an important procedural check.

It is easy, understandable, and natural in a time of high national emotion, in a time of strong patriotic fervor, to say, "Give 'em the works." It is also true that in such an hour of high national emotion and hysteria, we who sit in seats of responsibility, so far as the legislative process is concerned, can say, "Let us wait. Let us first analyze the situation on the facts and then vote the authority that is needed to protect the country. Sincere and honest men can differ as to the

procedural form that the grant of such authority shall take."

In 1955 and again in 1957 the senior Senator from Oregon took the position, as he does in the instance of this resolution, that the Middle East resolution and the Formosa resolution would be grants of authority to the President to exercise power which would amount to predated declarations of war. That should not be done. It is not necessary. All the world knows that any country that attacks the United States will be met immediately with the exercise of the inherent power of the President, under the Constitution, to defend the Republic. All the world knows that if any country continues an attack upon this country, the President will come before this body and quickly, as the great Roosevelt did after Pear Harbor, in 1941, obtain from Congress a declaration of war. What more is needed?

A constitutional principle is involved. It is dangerous to give to any President an unchecked power, after the passage of a joint resolution, to make war. Consider the procedural complications that could develop if Congress decided that the President was making serious mistakes in the conduct of a personal war—for it would be a Presidential war at that point. How could the President be stopped? He could not be stopped. Consider what would happen to this Republic if we got into that kind of conflict with the President in carrying out the joint resolution.

But, say some, see what the end of section 3 provides:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by concurrent resolution of the Congress."

That would create a nice mess, would it not? That would be a nice portrait of the United States to paint before the eyes of the world. What havoc of disunity that kind of procedure would encompass.

What is wrong with letting the Constitution operate as written by our constitutional fathers? Why this indirect amendment of the Constitution? There are Senators, for whom I have deep affection, who become a little shaken, in our private conversations, when I say, "What you are really seeking to do is to get around the amending process of the Constitution. In effect, you are trying to get around article I, section 8, by amending the Constitution by way of a joint resolution."

I do not believe we ought to establish any more precedents of this kind. I do not accept the argument that because we have made two mistakes in the past—we made no mistake in connection with the Cuban resolution; and I shall speak of that later—because we made mistakes in the Formosa and the Middle East joint resolutions, we can make another one. Even a repetition of mistakes does not create a legal right in the President. I do not believe it is good legislative process to repeat mistakes. We ought to stop making them.

In effect, this joint resolution constitutes an amendment of article I, section 8, of the Constitution, in that it would give the President, in practice and effect, the power to make war in the absence of a declaration of war. It is also important to demonstrate to the world, including the free nations, that the Constitution of the United States is not an instrument to be tinkered with; that the Constitution is a precious, sacred document, so far as our form of government is concerned, and is not subject to subversion in the legislative process. We should never miss an opportunity to demonstrate this principle to the totalitarian nations of the world. We should never forget that under Fascist or

Communist regimes there are no rights and liberties of the person.

It is proposed, by this joint resolution, to subvert the Constitution. We are engaging in a subterfuge, so far as article I, section 8, is concerned. We should not do that. We should not in any resolution tinker with the Constitution in respect to the powers and prerogatives of the President, and the limitations upon such powers and prerogatives.

Going back to section 1 of the resolution, I assert again that in the language "to take all necessary measures to repel any armed attack against the forces of the United States," there is no question about the inherent power of the President to do so without a resolution.

I have stated that if this proposed grant of power implies that the right of the President of the United States to take all the necessary measures to "repel any armed attack against the forces of the United States"—which former Secretary of State Dulles and Admiral Radford asked for in 1954—includes the authority to commit an act of aggression before an act of aggression is committed against the United States, on the basis of the theory of a preventive war, that is a dangerous doctrine. It cannot possibly be reconciled with the Constitution; nor can it be reconciled with sound national policy.

I remember that in 1955 former Secretary of State Dulles said to me, "Would you wait for the Red Chinese to strike?"

My reply was that when I thought of the billions of dollars I had joined in voting for the defense of my country, including great sums of money for intelligence service, if there were particular concern about a Red Chinese air base closest to the coast of Alaska and our intelligence agency had given us reports as to what it had found in regard to the size of that Communist air armada, I would wish to believe that when the first Red Chinese plane left the ground and started for Alaska, our alerting stations and our intelligence would be such that our planes would meet it before it ever reached Alaska.

At that time, I also made perfectly clear to former Secretary of State Dulles and former Chairman of the Joint Chiefs of Staff Admiral Radford, that under international law we could not possibly justify our being an aggressor in the first instance. I frankly stated that it was a risk which we must run in order to remain in a sound constitutional framework under our system of government.

Why should we give arbitrary discretion to mere men who happen to hold office at a given time, when the American people and their lives are at the mercy of the discretion of those mere men?

One of the great protections that the American people have in constitutional theory, under our form of government, is that we are a government of laws and not of men. Granted, we are a government of laws, it is also true that those laws must be administered by men. Human failings being what they are, we must always keep a check on the exercise of the discretion of mere men who administer government, or we shall constantly run the risk of being victimized by arbitrary and capricious discretion.

In 1955, I made clear that I had observed too frequently the psychology of trigger-happy military men, and the psychology of diplomats who convince themselves that it is necessary to pull the trigger before an act of war has been committed against us.

Mr. President, we like to boast—and for the most part our glorious history sustains the boast—that we are not an aggressor nation. Resolutions such as the pending joint resolution, as well as the Formosa resolution and the Middle East resolution, frequently raise grave doubts among our friends in the free world as to whether there are not great

differences between our theory and our practice.

So, then as now, on the constitutional grounds to which I objected in the Formosa resolution, I voted against it—as I shall vote against the pending joint resolution today.

I repeat this, so that there can be no misunderstanding of my position: So far as the inherent right of the President to meet an aggression in the self-defense of the Republic is concerned, the pending resolution is not needed. The President has that inherent right now, under the Constitution. But, so far as having any right to commit an act of war in the absence of an aggression, he does not have that right under the Constitution. The pending resolution cannot give it to him under the Constitution.

Of course, we can sanction his exercise of that unconstitutional right. That is what the Senate will be doing today in adopting the pending resolution.

In constitutional effect, the Congress is saying to the President, "You can go ahead and act unconstitutionally and we will look the other way," because it is known that there is no existing procedure which would be effective by which we can check the President. Once the pending resolution is adopted, the Senate thereby will sanction such conduct. There is no way to check it by taking the case before the U.S. Supreme Court for final determination of the constitutionality of this course of action in time to be effective.

I am asked, "Should we not amend the Constitution in this respect?"

I believe that we should amend it by clearly denying to the Congress the power to pass such a resolution as this one. Because the past situations such as are present in this case are such rarities, so extraordinary and so novel, I am enough of a political realist to know that we shall never get anywhere with that kind of constitutional amendment. The only time we become interested in it is when a crisis such as this exists. When a crisis exists, it is so serious that people are not going to become interested in a very important constitutional abstraction, even though it is a constitutional abstraction which after all, is determinative, in the last analysis, of their rights as free men.

In times of hysteria and high national emotionalism, it is only human for most people, particularly those not sitting in the seats of legislative responsibility, to be willing to look the other way on such questions as I raise in this debate again this year. But I believe it is so dangerous to establish another precedent toward the creation of a government by Executive supremacy in the United States, that I am willing to stand up and oppose the overwhelming majority against me, and take all the castigation and criticism which is bound to be heaped upon my head, for a constitutional principle that I am sincerely convinced is vital to the very preservation of this Republic.

I am satisfied that if we continue to build up a wall, brick by brick, precedent by precedent, which separates the executive branch of the Government from the people, resulting in making the executive branch of the Government more and more inaccessible to direct control, we shall endanger the very survival and preservation of the Republic and our constitutional system upon which it is based.

Mr. President, if it is self-defense we are concerned about, we do not need this resolution. If it is to empower the President to commit an act of aggression before an act of aggression is committed upon us, as was the program in 1955, and as was openly testified to, let me say—I can say it now—as the transcript will show, by the Secretary of State and the Chairman of the Joint Chiefs of Staff at the time, it is a dangerous precedent, a power that never should be given, never should have been granted by the Con-

gress, and should not be granted now under the pending resolution.

Turning to the language I have read, "to repel any armed attack against the forces of the United States," does that mean that the attack must have started, or does it mean that all the President and his advisers have to conclude is that in all probability an attack may be made.

That is preventive war. There is no power in the Constitution for the President of the United States to wage a preventive war. I cannot imagine a set of hypothetical facts which would cause the President of the United States, the Congress, the Department of State, and those in the Pentagon Building to become alarmed about the danger of an attack against the United States that cannot be taken immediately to existing channels of international law. The right of national self-defense would still vest in the inherent constitutional power of the President.

The fact that we are not doing very much about using those channels of international law does not excuse us. And as we use those channels of international law, the inherent power of the President to defend this country continues. With all the military might of this country at the present time, the world knows that that power of self-defense is adequate to protect the security interests of this country until the processes of international law can run their course.

There is no question about the meaning of the next four words on line 6 of page 2 clearly authorize—"to prevent further aggression."

That is when the whole realm of judgment upon the part of the President of the United States comes into play. That is when we substitute the President for article I, section 8 of the Constitution. That is when we say to the President, "You can go beyond acts of immediate self-defense of the Republic. You do not have to come to the Congress, as Franklin Roosevelt did after Pearl Harbor, and ask for a declaration of war. You can proceed in the exercise of your judgment to prevent further aggression."

The uninformed, unenlightened editor of the Washington Post who wrote that stupid editorial in this morning's paper has not the slightest conception of the meaning of those words. If he had, he would not have written in his editorial:

"There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war.'"

There is no doubt that the language, "to prevent further aggression," rouses all the objections that I made in 1955 to the Formosa resolution. This proposal seeks to vest in the President of the United States the power to carry on a so-called preventive war. By preventive war, we mean making a war against another country because it is assumed that that country is about to make war, or contemplates making war, against the United States. Such authority is not to be found in the Constitution. The Congress cannot give such authority to the President of the United States as far as the Constitution is concerned. It can sanction the exercise of the authority, but the exercise of the authority would still be just as much outside the Constitution as though the President acted without the joint resolution. The joint resolution could never make legal the exercise of such authority by the President of the United States.

That is not the only place in the resolution in which we would give to the President a preventive war authority. I refer the Senate to section 2, line 7, which provides—

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution—"

It has been agreed, by way of an amend-

merit to the joint resolution, that that means the Constitution of the United States—

"and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, that is an awful power to give to a President. If the Washington Post does not think that that is a predated declaration of war, the editor ought to start asking himself some questions about certain hypothetical situations.

Shall we allow any President of the United States to decide, with no check—that is, no check for immediate application—to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom?

We had better pause long enough to take a look at the nature of some of the countries involved, because many of the countries are not free countries. Many of those countries are totalitarian countries. Many of those countries are dictatorships. It is wishful thinking to assume that it would be safe to give the President of the United States unchecked authority to proceed to use American boys in defense of those countries on the basis of claims that acts of aggression are being committed against them by some other country, without a congressional check. Have we reached the point in American foreign policy where we are going to permit the President to send American boys to their death in the defense of military dictatorships, monarchies, and fascist regimes around the world with which we have entered into treaty obligations involving mutual security, no matter what the provocation and no matter what wrongs they may have committed that cause an attack upon them? Are we going to do that without a check of Congress by way of a declaration of war? What are we thinking of? What time factor would justify such precipitate action?

Mr. President, this Senator will never vote to send an American boy to his death anywhere in the world under any such language as is contained in that part of the joint resolution. It is of utmost importance that we surround that language with a congressional check. And there is none.

One could say, as I said a few moments ago, "But, Mr. Senator, the Congress can terminate this authority by a concurrent resolution."

I have already pointed out the kind of hassle that such a situation would create, and the kind of disunity that such action would produce. The American people should be protected from a possible abuse of the authority. So long as abuse of a procedure is possible, the procedure should be modified to prevent the possibility of the abuse.

Mr. President, that is why it is so important that we hold any President—I care not who he is—to Article I, section 8, of the Constitution in the carrying out of mutual security agreements. We should hold him to the approval of the Congress before the fact and not after the fact.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. I wish the Senator would discuss what seems to me the obvious escalation of the war by the authority granted in section 2 of the joint resolution—

"To assist any member or protocol state of the Southeast Asia Collective Defense Treaty."

Mr. MORSE. I was about to do so.

Mr. GRUENING. Hitherto we have been dealing wholly with South Vietnam. The President has stated his purpose, which is quite evident—not to extend the war.

In the section to which I referred we are including a number of additional nations into which we could send our Armed Forces. The joint resolution would extend the prospective war all over southeast Asia, would it not?

Mr. MORSE. It certainly would, with no check on it.

Mr. GRUENING. In other words, in effect, the Congress would authorize an escalation of the war to Thailand, Laos, Cambodia, North Vietnam, South Vietnam—and what else?

Mr. MORSE. Pakistan.

Mr. GRUENING. I have in my possession, which I intend to present when the foreign aid bill comes before the Senate, a statement from a high official of Pakistan indicating that his government has no intention of using the nearly \$1 billion in military aid that we have given to Pakistan to help out our cause because it is needed in their prospective difficulties with India.

Mr. MORSE. The Foreign Minister of Pakistan in effect made that statement in Washington, D.C., when he addressed the Press Club not so many weeks ago. He was asked by a newspaperman at the meeting to state whether or not Pakistan could be counted upon to be of assistance in southeast Asia. He said, "No."

He gave his reason. His reason was Pakistan's involvement with India. Pakistan has no intention of responding to any calls to SEATO members.

I yield further.

Mr. GRUENING. It seems to me that the joint resolution presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan, which is really not in southeast Asia, but which is in south central Asia, and it seems to me a very dangerous, unwarranted, and unprecedented action.

Mr. MORSE. Do not forget, Pakistan is a member of SEATO; its obligations to South Vietnam are the same as ours.

Mr. GRUENING. Yes; but it has shown no disposition whatever to carry out its obligations under that treaty.

Mr. MORSE. That is correct; but, she being a SEATO member, we would be obligated to go to her assistance.

Mr. GRUENING. This resolution, in effect, is an authorization which would be the equivalent of a declaration of war by the Congress. Would it not be?

Mr. MORSE. I think so.

Mr. GRUENING. That is one thing I am very apprehensive about. If we should get into an all-out war, which I fear may happen, this resolution would be considered the authorization by the Congress to so proceed. Would it not?

Mr. MORSE. That is correct.

Mr. GRUENING. I expressed my views on it yesterday. I do not at all criticize the President—in fact, I think the President was correct—for repelling the assault, whatever may be the background, on American vessels and destroying the attackers. I approve of that action, but the resolution goes far beyond such action, which apparently precipitated the request by the President for such a resolution, and covers the whole of the southeast Asia area. I distinctly disagree with the administration policy.

As I have stated repeatedly, this was a policy which the President inherited, and from which I hoped he would disengage himself. He inherited it from the Eisenhower administration, from John Foster Dulles, when we picked up the flasco the French had engaged in with the loss of over 100,000 young lives. We contributed vast sums of money to that operation. It was obviously a failure.

Now we have escalated it, as could be fore-

seen, and as I in fact did foretell, and as the Senator from Oregon foretold, into an all-out war in southeast Asia. Regrettably, the end is not yet. I am extremely fearful about the situation.

This is a moment when patriotic passions are around, and it seems indicated that we should do whatever the President asks.

It is very painful for those of us who disagree with the policy. I felt it was wrong in the beginning and have repeatedly stated for 5 months that I thought it was wrong, and that we should continue to try to find a peaceful solution; that we should take the issue to the United Nations, and seek a cease fire. It is, as I have said, painful not to support the President, but I cannot do so in good conscience under the blanket terms of this resolution.

Mr. MORSE. As the Senator knows, last night it was impossible for him, because of a previous appointment, to be present when I paid my high respects to him for his courage, statesmanship, and leadership in this matter for many months past. I said last night that the Senator from Alaska had put the issue squarely.

Now, in a very few moments, the Senator from Alaska has summarized succinctly the major points of the address I have been making on the floor of the Senate the last hour and 15 minutes. I wish to formalize those points before I come to the next major issue which I shall discuss in my speech.

What I have said expresses my views as to the power that would be granted to the President in the resolution. It is what I have called an undated declaration of war. I summarize the points as follows:

First, the unlimited language of the resolution would authorize acts of war without specifying countries, places, or times. That language cannot be reconciled with article I, section 8 of the Constitution. It amounts, in fact as well as in law, to a predated declaration of war.

Next, as I said last night, we have armed forces in South Vietnam, some 20,000, or more, apparently, with the number increasing by plane load after plane load.

Senators can bemoan and warn against a land war in Asia, but the resolution would put the United States in the middle of the Vietnam civil war, which is basically a land war.

Under the resolution Congress would give to the President of the United States great authority, without coming to the Congress and obtaining approval by way of a declaration of war, to carry on a land war in South Vietnam. The choice is left up to him.

As I said last night, the interesting thing is that South Vietnam, with a population of 15 million, and an armed force of 400,000 to 450,000 men, has been unable, through all the years of the holocaust in South Vietnam, to put down a Vietcong force of a maximum of 35,000 men. The Pentagon and the State Department, in testifying before the committee, say the number probably does not exceed 25,000. We have to have more than 20,000 American boys over there, to die in whatever numbers they are killed, in an attempt to win that war. And for whom?

Mr. President, the leaders of this Government keep talking about freedom in South Vietnam. There is not one lot of freedom in South Vietnam, for the South Vietnamese people, by and large, do not know what the word means. I quoted, in a speech the day before yesterday, a letter I received from a Republican Member of Congress, in full support of the position I have taken on this issue. I paraphrase it, although the quotation is already in the Record. He said that the average man of North or South Vietnam would not know what democracy looked like if he met it on the main street of Saigon. The difference between their governments is like the difference between tweedledum and

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tweedledee. But both are interested in the next bowl of rice.

That is why this Senator has been pleading for years, in connection with foreign policy, that the great need of the United States in the field of foreign policy is to export economic freedom, and to stop exporting military aid, for our military aid makes Communists. Prepare the seedbeds of economic freedom. Unless the people are first economic country and we prepare for the growth of freedom. Unless the people are first economically free, they cannot be politically free; and, what is more important, they will never understand political freedom until they are first economically free.

There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in southeast Asia. That is why I said, in answer to an argument that was made on the floor of the Senate yesterday, apparently some colleagues are laboring under the illusion that perhaps the resolution would reduce the danger of fighting a land war in Asia. There is not a word in the resolution that has any bearing on the subject. To the contrary, the broad, sweeping, sanction of power—note my language, because it cannot be done legally—the broad, arbitrary, sweeping power Congress is sanctioning for the President would in no way stop him from sending as many America boys as he wants to send into South Vietnam to make war.

As the Senator from Alaska has said over and over again, and as I have joined him in saying, all South Vietnam is not worth the life of a single American boy; and the killing of a single American boy in South Vietnam is an unjustified killing. It ought to stop. It is not going to stop until we turn our warmaking policy into a peacekeeping policy. It is not going to stop until we insist that our alleged allies in SEATO come in with as many divisions of peacekeeping units as are necessary to keep the belligerents apart. It is not going to stop until the United Nations, under the procedures of international law, can come in and keep the peace and set up whatever controls are needed, by way of United Nations trusteeships if necessary, to bring that war to an end.

This result will not be achieved by unilateral military action. It makes me sad to have to say it, but I am satisfied that history will record this horrendous mistake of the United States in its false assumption in the year 1964 that it could supplant in South Vietnam military control by Asians with military control by the United States.

We could never win such a war. We might win military victory after military victory. If we did not stop the escalation, we would kill millions of people, because the escalation, step by step, would lead to all-out bombing of North Vietnam and Red Chinese cities. When we were through, we should have killed millions, and won military victory after military victory, but we should still have lost the war.

The United States can never dominate and control Asia, with 800 million people in China alone. That kind of war would create a hatred for the United States and for the white man generally that would persist for centuries. Dominating Asia, after destroying her cities and killing her millions by bombings—that is the danger that we are walking into—would not make the white man supreme in Asia, but only hated.

We know what the floods of human history do. Eventually the white man will be engulfed in that Asiatic flood and drowned.

I do not know why we should be so shortsighted. It is difficult to follow the processes of international law. I suppose the saddest announcement that has been made recently is that of the Secretary General of the United Nations, Mr. U Thant, from Burma, who is

not even a shadow of the great world statesman who preceded him, Dag Hammarskjöld. He announced in Washington yesterday his grave doubts as to whether the Security Council could help resolve the matter.

Mr. President, we will never know until such procedures are tried. The Secretary General should have been using his voice and his influence to persuade the Security Council to carry out its obligations under the charter. Not a word has been heard from the Secretary General in regard to the power and authority for the General Assembly of the United Nations.

The Secretary General knows the power of the General Assembly if the Security Council is incapacitated by a Russian veto. I repeat what I have said for many months past on the floor of the Senate. I wish to put Russia on the spot. Let her exercise her veto, if she dares. The rest of the world will be her judge. We did not find her following that course in the Middle East, or in Cyprus, or in the Congo.

I was highly disappointed by what I considered to be the abdication of leadership and responsibility on the part of the Secretary General of the United Nations in the unfortunate statement he made in Washington yesterday.

The next point I wish to make, by way of summary, is that the fear expressed by some Senators in this debate against involvement in a land war means no more than the reservation expressed in 1954, that we should not become militarily involved in South Vietnam. We did not intend then to do any of the things we are now doing in South Vietnam. We did not intend then to do any of the things we are now doing in South Vietnam. We did not intend then to do any of the things we are now doing in South Vietnam. This policy is sucking us into military involvement deeper and deeper, and will continue to suck us in, under this resolution, deeper and deeper.

Mr. President, you and I will be gone in a few years; but I am satisfied that the end of the road that we are traveling today will be the engulfment and drowning in world history of the influence of the white man in Asia, if we follow this course of action.

I despair frequently at the fact that so often people in positions of responsibility are inclined to think only of the present, and not a century hence. Yet, when we are dealing with matters of foreign policy and the roots of peace or war, we need to remember that the seed we plant today, be it a seed of peace or seed of war, is the seed that will finally come to fruition in a blossoming plant, perhaps a 100 years hence.

I say most respectfully and sadly that in my judgment, in this resolution, we are planting seeds not of peace, but of war. Those who will follow us in the years to come will cry out in anguish and despair in criticism over the mistake that was made in 1964 when the joint resolution was passed.

Why do we do it? I do not know. We are dealing here basically with a civil war between conflicting forces in South Vietnam. So many in this debate have overlooked the geographic problem. Let us not forget that prior to the Geneva accord of 1954 North Vietnam and South Vietnam were one people. One could go into North Vietnam today, after he had been in Saigon, and think that he was still in South Vietnam. He would feel the same way if he first went to North Vietnam and then to Saigon. They are the same people. Unfortunately, as a result of the partition under the Geneva accord in 1954, they were divided into two countries, North Vietnam and South Vietnam.

Many of the people in South Vietnam who are involved in this civil war have close relatives in North Vietnam. One reason why the military dictator-puppet whom we are supporting in South Vietnam, Khanh, is having so much difficulty with the mass of the people—and he is having a serious difficulty—in his insistence that he must stage a blood

bath in North Vietnam. He will never get the support of the people, because a blood bath would kill the relatives of hundreds of thousands of people in South Vietnam; and vice versa.

It is a tragedy that the Vietcongs try to subvert South Vietnam, but that is a reality. The solution is not the exercise of military might. As a critic of De Gaulle on many points, I say that the sad fact is that the De Gaulle solution is far superior to the American solution. The solution is a political and economic solution, not a military solution. De Gaulle is right. We should go to the conference table. We should not take the American position that we will go to the conference table only after we dominate the battlefield.

If we ever establish that principle, we shall have assassinated the rule of law as an instrumentality for settling disputes among nations. If we ever take the position that we must first dominate the battlefield, that we must be in control, that our orders must be carried out, then going to a conference table will mean only that the dominating authority tells the others at the conference table what, in effect, Adlai Stevenson unfortunately said in the sad speech he made some weeks ago before the Security Council—that, in effect, we are going to do what we think is necessary, and the others can like it or not. When he did that, as I said, he extinguished his lamp of world statesmanship.

We cannot follow the theory that underlies the present policy of our Government; namely, that until we first dominate the battlefield, we will not follow De Gaulle's suggestion to settle this dispute at the conference table. De Gaulle is right. This problem will never be settled except by a political and economic settlement. It can never be settled by the imposition of the military might of the United States upon Asia.

Mr. CRANSTON. Mr. President, in debating the Angolan issue this week, we did not plead ignorance. We tried to find out the facts, both in regard to the competing political consideration in Angola and in regard to the amounts of money potentially involved. We knew there was money in this bill headed for Angola, if the executive had had its way. To argue that it was not specifically earmarked for Angola and, therefore, we could not get at it—as some did—while arguing that there was, indeed, money in the Defense appropriation bill that could be used for Angola, was to admit either legislative impotence or legislative complicity. I am proud to say that such a position was unacceptable to a majority in the world's most powerful legislative body.

In refusing to vote more money for the covert funding of paramilitary activities in Angola and environs, we have rejected the road to another Vietnam. We have only to listen to the global confrontation terms used to describe what is at stake there. This is the rhetoric that led us into Vietnam.

Further, we have rejected insofar as Angola is concerned the closed system under which so many fateful foreign and defense policy decisions have been made by a few men in the executive branch and even fewer men in Congress. This is an important precedent. The Senate has indicated today that it is fed up with "foreign policy by contingency fund." As a body, it insists upon being involved in decisions to spend millions of dollars abroad covertly, after such funding has been "authorized" by the 40 Committee or some other secretive executive group.

To sum up, Mr. President, we have sent some important messages today. We have rejected a world view that sees every foreign conflict in "United States versus them," Americans versus Russian terms. We have tried to evaluate our Angolan policy in the context of more relevant political and geographical realities.

My colleague, JOHN TUNNEY, has performed historic and effectual work on this vital matter, providing real leadership. So have Senators CLARK, BROOKE, KENNEDY, HUMPHREY, JAVITS, WEICKER, PERCY, and others. It has been a rewarding experience to work with them.

I thank Bill Jackson, of my staff, for his able aid to me.

We have reminded the executive branch that Congress will play a large role in determining the policies of this country, as, indeed, the people want us to do—not to mention the constitutional obligations placed upon the legislature. And, very importantly, we have recognized through five days of debate that we have to improve the internal procedures of the Senate to insure that the whole body can fully debate all issues of great consequence to their nation's security.

Mr. President, in trying to group the complex historical and political context of the current Angolan conflict, I asked my staff to develop information briefs for me. I want to especially thank Ms. Emily Thurber for her work in this regard; it was grounded in actual experience in Africa for many years.

To accomplish all of these tasks, Mr. President, a vigorous free press was indispensable. I ask unanimous consent to place in the RECORD an article by John Averill in the Los Angeles Times, and articles by David Binder and Sy Hersh in the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

SENATE FOES OF ANGOLA AID OPTIMISTIC

(By John H. Averill)

WASHINGTON.—Senate critics of U.S. involvement in Angola expressed cautious optimism Wednesday night that the Senate will vote to block further military aid to anti-Soviet factions in the West African nation.

"I think we have the votes to win as of now," said Sen. Alan Cranston (D-Calif.), who has helped revive the Senate's Vietnam era antiwar coalition into a bloc opposed to further U.S. involvement in Angola.

Cranston expressed that outlook in an interview after Ford Administration supporters blocked until today a vote on an arms-cutoff amendment.

The amendment, sponsored by Sen. John V. Tunney (D-Calif.), would deny the Central Intelligence Agency funds to finance military assistance to two Angolan factions opposing a third faction that is strongly supported by the Soviet Union and Cuba in a civil war.

Tunney, Sen. Hubert H. Humphrey (D-Minn.) and other critics of the Administration's Angolan policy said it could lead to another Vietnam-type commitment by the United States.

In an emotional arm-waving speech, Humphrey said that until recently the United States was spending only \$150 million a year on all kinds of assistance to the entire continent of Africa.

"Then in one month, we are going to put in \$60 million in Angola to chase the Russians out," said Humphrey, a one-time staunch defender of U.S. involvement in Vietnam.

A better way to counter the Russians, he said, would be to use trade leverage, such as grain sales, to force them to withdraw from Angola.

As a substitute for the Tunney amendment, Senate Minority Whip Robert P. Griffin (R-Mich.) offered a proposal that would prohibit the use of U.S. military or civilian forces in Angola but would not affect CIA spending.

"Cuba has sent thousands of well-trained soldiers to Angola," Griffin said. He told the Senate that those forces, armed with massive supplies shipped in by Russia, have been largely responsible for gains by the Soviet-backed Angolan faction.

"I agree that we ought to slam the door and keep it closed on the use of any U.S. military or civilian forces in Angola," Griffin argued. "But do you want to close the door on CIA flexibility? Is there no way that we can assist the majority of people in Angola who are resisting Soviet imperialism?"

Sen. Dick Clark (D-Iowa) said the Griffin amendment did "absolutely nothing about military assistance and CIA activities."

At the White House, Dep. Press Secretary William I. Greener said the Ford Administration has no intention of sending either military or civilian advisers to Angola.

"There are no U.S. government-sponsored advisers in Angola," he said under questioning. "Nor do we contemplate any form of U.S. combat intervention there."

Tunney introduced his amendment after the Senate wrangled behind closed doors for three hours about the extent of CIA involvement in Angola, a former Portuguese colony.

Emerging from the closed session, Tunney, Humphrey and others said they were able to learn very little about the extent of CIA spending in Angola. The reason, they explained, was that Sen. John L. McClellan (D-Ark.), chairman of the Senate Appropriations Committee one of the very few people in Congress who is privy to the CIA budget, interpreted Senate rules as barring him from disclosing highly secret national security information.

Taking issue with McClellan's rule interpretation, Tunney told reporters:

"I feel the Senate has an inherent right in closed session to obtain secret information which one or more senators may obtain as a result of their position on a Senate committee."

Tunney originally proposed cutting \$33 million out of the Pentagon budget which he said he had reason to believe was earmarked for CIA operations in Angola. But he dropped any dollar figure after Humphrey said he understood that there was \$750 million in the Pentagon budget that could be tapped by the CIA.

Tunney offered his amendment as a rider to a \$112.3 billion defense appropriations bill. Any Angolan amendment that the Senate might adopt would have to be approved by the House.

[From the New York Times]

EARLY ANGOLA AID BY UNITED STATES REPORTED

(By Seymour M. Hersh)

WASHINGTON, December 18.—The Ford Administration's initial authorization for substantial Central Intelligence Agency financial operations inside Angola came in January 1975, more than two months before the first significant Soviet build-up, well-informed officials report.

It could not be learned on what specific basis the agency approval to deepen its clandestine involvement in Angola at that point, but William E. Colby of Central Intelligence told a secret Congressional hearing two

months ago that the January increase in C.I.A. activity was needed to match increased Soviet activity.

The Soviet Union has been involved in Angola since 1956 but, according to well-informed American intelligence officials, did not substantially increase its support for one of the liberation armies in Angola until March and April of this year. At that time at least two shiploads and two plane loads of Soviet war matériel were sent.

Told of the Administration's decision, of January, 1975 a number of Government officials and lawmakers contended that it was impossible without more information to determine whether the subsequent Soviet build-up had been purely aggressive and expansionist, as Secretary of State Henry A. Kissinger and others have contended, or whether it might have been in part a Soviet response to the action by the United States.

\$300,000 FOR ROBERTO

The Administration's high-level intelligence-review panel, known as the 40 Committee, discussed Angola at its January meeting—the first such discussion of the African nation since the mid-1960's, officials said. They said the group agreed to permit the C.I.A. to provide \$300,000 clandestinely to Holden Roberto, the leader of one of three factions now seeking control of Angola.

At the time, Mr. Roberto, whose links with the C.I.A. began in 1961, was on a \$10,000-a-year agency retainer for "intelligence collection," the officials said. Mr. Roberto leads the National Front for the Liberation of Angola, which also has been aided by Zaire and China.

During the same 40 Committee meeting in January, the officials said, the C.I.A. unsuccessfully also sought authority to provide a \$100,000 subsidy secretly to Jonas Savimbi, leader of the National Union for the Total Independence of Angola.

At the time, the movements led by Mr. Roberto and Mr. Savimbi—since merged—were trying to negotiate a settlement with the Popular Movement for the Liberation of Angola, a third liberation group, which has been supported by arms and aid from the Soviet Union since its formation in 1956. Those talks failed.

There was a sharp division today among Government officials and some lawmakers about the significance of the 40 Committee's decision in January to increase the funds available to Mr. Roberto.

LINK TO MOBUTU SEEN

Some officials belittled its importance and argued that the funds, which reportedly were not meant for direct military support, were supplied merely to reassure President Mobutu Sese Seko of Zaire that the Ford Administration was not going to permit the Popular Movement to win the Angolan civil war. Mr. Mobutu, who is Mr. Roberto's father-in-law, was an early advocate of American intervention.

Many others, including Senators and Representatives who have had access to secret C.I.A. briefings on Angola, believe that disclosure of the January decision to increase the American involvement raises new questions about which nation—the United States or the Soviet Union—initiated what inside Angola.

"I think it's very important," one well-informed official acknowledged. "That money gave him a lot of extra muscle. He'd been sitting in Kinshasa for nearly 10 years and all of a sudden he's got a lot of bread—he's beginning to do things."

Since the early 1960's, Mr. Roberto had maintained his headquarters in Kinshasa, the capital of Zaire.

The official's point was that the C.I.A. source of the revitalized flow of funds for the Roberto movement would be quickly per-

ceived by the Popular Movement and its Soviet supporters.

The disclosure further contradicts the insistence of Secretary Kissinger in Senate testimony that is still secret that the State Department's Bureau of African Affairs had, in effect, withheld information about Angola from him early this year. He suggested that the bureau had done so in an effort to limit the options available to the Ford Administration.

In January Mr. Kissinger was Secretary of State and also President Ford's adviser on national security. As adviser, he was chairman of the 40 Committee when the decision was made to increase greatly the C.I.A. cash subsidy to Mr. Roberto.

BEHIND THE DECISIONS

In an extensive recounting of Washington's Angola decision-making, well-informed officials also made these points:

C.I.A. statistics as of early last month show that the agency had paid \$5.4 million to ship what was listed as \$10 million in arms to Angola between late July and October. The high shipping costs were described by many knowledgeable officials as evidence that the agency had been systematically underestimating the value of the weapons shipped thus far, in an effort to make the United States role appear as minimal as possible.

The intelligence agency was explicitly authorized by President Ford on July 27, 1975, to begin a \$500,000 information program inside Angola as part of a 40 Committee decision to begin major shipments of United States arms there.

The precise date of the 40 Committee's meeting in January, 1975, could not be learned, but January was a pivotal month in Angola.

JOINT POLITICAL PACT

On Jan. 5, leaders of the three liberation movements met in Kenya and signed a political accord that was viewed as paving a way for independence for the Portuguese territory. On Jan. 10 Portugal formally agreed to grant independence in Angola in the following November.

On Jan. 31 the three liberation movements agreed to share cabinets posts and power equally with a Portuguese contingent until the formal date of independence.

The three liberation movements further agreed to prepare for and hold national elections for a constituent assembly. Those elections were never held, however, as the coalition dissolved over the next few months and warfare broke out.

American officials were interviewed repeatedly by correspondents of The New York Times in recent weeks, but none suggested what Mr. Colby and other C.I.A. officials have said in recent secret briefings in Congress—that Soviet buildups in Angola before this year were in any way a factor in the subsequent United States decision to intervene directly in July 1975 with shipments of arms and aid.

100 TONS OF ARMS

More than 100 tons of arms were reported to have been landed by Soviet planes in southern Angola and the Congo in March and April. It was these shipments, American officials have contended up to now, that led to rapid military advances by the Popular Movement and the subsequent decision by Secretary Kissinger and President Ford to intervene directly.

Throughout the spring, a number of officials have said, the C.I.A. lobbied intensively for a larger United States role in Angola, justifying its argument on increased Soviet activities. Specifically, the C.I.A. was seeking high-level approval to begin supplying funds directly to Mr. Savimbi.

The matter was discussed at a 40 Committee meeting in June, officials said, with no resolution, although a full-scale National

Security Council study of the issues and the various options was authorized.

It was at this point, State Department sources said, that opposition to further United States involvement was repeatedly raised by Nathaniel Davis, then the Assistant Secretary of State for African Affairs.

Mr. Davis, who resigned in protest over the Administration's policies on Angola, is now Ambassador to Switzerland. He explicitly argued in June that the decision by the 40 Committee to support both Mr. Roberto and Mr. Savimbi would be perceived as an escalation by the Soviet Union and lead, in turn, to even more involvement by the Russians.

IN CONTROL OF LUANDA

Following the National Security Council review, officials said, the 40 Committee met on July 17, 1975. By then the Popular Movement, using the Soviet supplies shipped since March, had seized firm control of Luanda, Angola's capital, and had won significant victories elsewhere.

The Popular Movement was claiming control of 11 of Angola's 16 provinces.

The 40 Committee authorized the following steps:

The direct shipment of arms to the forces led by Mr. Savimbi and Mr. Roberto and the replacement of arms that had been previously supplied and would continue to be supplied by Zaïre and Zambia, the two neighboring African nations that supported the American intervention. It was agreed to permit Zambia and Zaïre to provide as much non-American equipment as possible at first in order to minimize the overt link with the United States.

Exposure through information programs and other means of the Soviet arming of the Popular Movement, with emphasis on the possible embarrassment of African nations relating the Russian arms or in other ways serving as conduits for such aid.

The use of an information program to build the abilities and integrity of the forces controlled by Mr. Savimbi and Mr. Roberto.

The dispatch of cash in two stages of Angola, with \$6 million to be expended in Stage 1 and \$8 million in Stage 2. The significance of the two-tiered approach has not been made clear by the sources.

FORD SUPPORTERS START FILIBUSTER FOR ANGOLAN AID

(By David Binder)

WASHINGTON, December 18.—The Ford Administration sought today to reach a compromise with the Senate that would allow the United States to continue covert support operations in the Angolan civil war.

The move was initiated by Senator Robert P. Griffin, Republican of Michigan, after John L. McClellan, chairman of the Senate Appropriations Committee, failed to induce President Ford to concur in a system that would enable the Congress to play a larger role in deciding on such secret operations.

On Senator Griffin's invitation, Secretary of State Henry A. Kissinger conferred with about 25 leading Senators on an arrangement that would end the present stalemate. A filibuster is being conducted in the Senate against an amendment that would immediately cut off funds for assistance to two Angolan factions.

NO MEETING OF MINDS

Emerging from the meeting, Mr. Kissinger said that it had not been "a meeting of minds," but that he was taking the Senate leadership's proposals to Mr. Ford.

Senator John Tunney, a California Democrat, who is leading an attempt to cut off all funds for Angola, said he intended to push for the cutoff tomorrow.

"Nothing is acceptable that won't result in a cutoff of all funds for military aid to Angola," he said. "I don't want to see more money down this rathole."

The filibuster began about 2 P.M. when Senator Mike Mansfield, the Democratic majority leader, requested a vote on the cutoff amendment submitted by Senator Tunney and 12 others.

Senator McClellan, the Arkansas Democrat who has been managing the \$112 billion defense appropriations bill, slipped out and telephoned President Ford, appealing for his approval of a procedure involving Congress in the funding of covert operations.

The funds for the Angola operations have come out of the defense appropriations, according to officials of the Central Intelligence Agency in testimony before a Senate committee.

According to other Senators, Mr. McClellan proposed that in future requests for covert funds, the President should first seek the approval of the Appropriations Committee and, upon approval, the request would go directly to the full Senate.

Under the present system the Administration simply informs Senator McClellan and his minority colleague on the Appropriations Committee, Senator Milton R. Young, Republican of North Dakota, and they either approve or disapprove without any further airing in committee or in the Senate as a whole.

A White House spokesman, William I. Greener, said President Ford had discussed the proposal with Senate McClellan, but "no arrangement could be reached."

As the filibuster by conservative Senators wore on, Mr. Kissinger arrived at the office of Hugh Scott, the Republican Minority Leader from Pennsylvania, and agreed to provide the leadership with more information about the Angola situation, as well as the Administration's view on the covert operations, on which \$33 million has already been spent.

KISSINGER CONVEYS OFFER

After two hours of discussion, Mr. Kissinger promised to convey a refined compromise proposal to the President and to return tomorrow with a response. The compromise was described by a Senator as involving a concurrence of the Senate in a \$10 million increment for Angolan aid, after which the Administration would have to obtain regular Senate approval of any further funding.

The Administration is seeking \$28 million in additional funds for the Front for the National Liberation of Angola in the north and the National Union For Total Independence of Angola in the south. The two groups are opposing the Popular Movement for the Liberation of Angola, which has the support of the Soviet Union and has established a government in Luanda, the capital of the former Portuguese colony.

The total aid projected by the Administration for Angolan aid this year comes to \$60 million.

But, the Central Intelligence Agency's contingency funds for covert activity are said to total only \$50 million, of which two-thirds is already exhausted, either through expenditures and commitments.

It is the belief of Senator Tunney and his Senate allies that by amending the defense appropriation to bar further covert expenditures it can deny the C.I.A. the capacity to continue Angola operations.

The Tunney forces showed their strength early in the afternoon in defeating a substitute amendment by Senator Griffin that would have allowed the covert operations to continue. The vote was 72 to 26.

This left the pro-Administration Senators with the filibuster as their only weapon, made more effective by the nearness of the Christmas holidays and the desire of a number of Senators to go home tomorrow or Saturday.

Senator Tunney and some of his allies said they were determined to force a resolution of the issue, even if it meant staying in Washington. Several said they believe they had the

60 votes needed to bring about cloture, ending the filibuster and compelling a vote on the cutoff amendment.

It was this threat, according to Administration officials, that caused Secretary Kissinger and the White House to agree to the compromise attempt.

While the Senate prepared for its third day of debate on the Angola issue, the House International Relations Committee approved an amendment to the foreign assistance bill that would require the Administration to clear future Angola expenditures with the Congress.

SENATE CONCURRENT RESOLUTION 81—PROVIDING FOR A CONDI- TIONAL ADJOURNMENT OF CON- GRESS

Mr. MANSFIELD. Mr. President, I ask that the Senate proceed to the consideration of Senate Concurrent Resolution 81.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) providing for the adjournment of Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the concurrent resolution.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I withdraw my request to proceed to the consideration of the concurrent resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Proxmire may proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the order of procedure, the concurrent resolution is laid aside temporarily.

The Senator from Wisconsin is recognized.

REAL ESTATE SETTLEMENT PRO- CEDURES ACT AMENDMENTS— CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I submit a report of the committee of conference on S. 2327, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2327) to suspend sections 4, 6, and 7 of the "Real Estate Settlement Procedures Act of 1974," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2327) entitled "An Act to suspend sections 4, 6, and 7 of the 'Real Estate Settlement Procedures Act of 1974,'" submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TRUTH-IN-LENDING DISCLOSURES

The Senate bill contained a provision not in the House amendments which would authorize the Federal Reserve Board to require the disclosure of all or a part of the information required in the Truth-In-Lending Act at or prior to the time a written commitment to make a real estate loan was issued. The conference report does not contain the Senate provision.

The conferees believe that the advance disclosure of truth-in-lending information, which has been provided as page three of the RESPA statement, has been useful to consumers. With the repeal of section 6 of RESPA, there is doubt whether the Federal Reserve Board of Governors retains the authority to require advance disclosure of truth-in-lending information. The conferees believe that continuation of some form of advance truth-in-lending disclosure in consumer real estate transactions has merit. However, this question was not treated in hearings and neither of the banking committees has had an opportunity to consider the details of such disclosure. The conferees believe that rather than include a truth-in-lending provision in this Act, the appropriate committees should consider the question early in 1976, and recommend legislation at the earliest feasible time.

COMPLETION AND INSPECTION OF SETTLEMENT FORM IN ADVANCE

The Senate bill contained a provision not in the House amendments which would require the settlement agent to complete the uniform settlement form one business day prior to the day of settlement and to make it available for inspection by the borrower.

The conference report contains the Senate provision in amended form. The provision as revised makes clear that the obligation of the settlement agent to make the settlement form available prior to settlement is to be triggered by the request of the borrower and that the agent's sole obligation is to make available only that information which is known to him at the time of disclosure. The amended language also makes clear that the information is only required to be made available sometime during the business day immediately preceding the settlement day.

WILLIAM PROXMIRE,
JOHN SPARKMAN,
HARRISON A. WILLIAMS,
BOB PACKWOOD,
JAKE GARN,

Managers on the Part of the Senate.

HENRY S. REUSS,
WILLIAM A. BARRETT,
WILLIAM S. MOORHEAD,
ROBERT G. STEPHENS, JR.,
BERNARD J. ST. GERMAIN,
GARY BROWN,
JOHN H. ROUSSELOT,

Managers on the Part of the House.

The PRESIDING OFFICER. The Senator will be in order. The Chair solicits the cooperation of Senators. Staff members are asked to cooperate simi-

larly. The Senate is not in order. The Chair has plenty of time.

Mr. ROBERT C. BYRD. But Senators who have airline reservations do not have plenty of time. I hope Members will accede to the request of the Chair that there be order in the Senate, so that we can get on with the business.

Mr. NELSON. Mr. President, I do not believe that the Members at the rear of the Chamber have been able to hear the Chair. I wonder if the Chair would repeat the request.

The PRESIDING OFFICER. If the Senator would speak to them personally, the Chair would appreciate it.

Mr. NELSON. Members at the Republican cloakroom side apparently have not heard the request, back by the entrance door and on my left. I wonder whether the Chair would speak a little louder or ask them to turn on their hearing aids again.

The PRESIDING OFFICER. The Senator from Wisconsin may try to proceed now.

Mr. PROXMIRE. The conference report is on the Real Estate Settlements Procedures Act which we acted on a few days ago. There were two amendments that we passed. The first amendment, the House agreed to, we receded in the Senate on providing a modified 1-day advance disclosure of settlement charges. On the second amendment, the Senate receded in the truth-in-lending area. We think we can work that out a little later on. I think the conference report, as agreed to, is one that is very close to the bill as it passed the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

SENATE CONCURRENT RESOLUTION 81—PROVIDING FOR ADJOURN- MENT OF CONGRESS

Mr. MANSFIELD. Mr. President, I renew my request that the resolution on adjournment be laid before the Senate. It is my intention, if it is agreed to, to hold it at the desk pending an appropriate time.

The PRESIDING OFFICER. The clerk will state the current resolution.

The legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, December 19, 1975, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

Sec. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for consideration of legislation.

Sec. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively be, and they here-

December 19, 1975

by are, authorized to receive messages, including veto messages, from the President of the United States.

Mr. MANSFIELD. And the date?

The legislative clerk read:

When the two Houses adjourn on Friday, December 19, 1975.

Mr. MANSFIELD. Yesterday, we agreed to January 19.

Mr. CURTIS. Will the Senator yield right there?

Mr. MANSFIELD. Yes.

Mr. CURTIS. What is the status of any similar resolution in the House of Representatives?

Mr. MANSFIELD. We have not received any. Hence, we are forced to take action. Pending action by the House, it is the leadership's intention to hold it at the desk.

Mr. WEICKER. Will the Senator yield for a question?

Mr. MANSFIELD. Yes.

Mr. WEICKER. The Senator says this will be held at the desk pending an appropriate time. Why is this not an appropriate time?

Mr. MANSFIELD. We want to make sure that the Senate is not caught short again, as it was my first year as the majority leader, when the House passed an adjournment resolution, left the city in a hurry, and left us with a pack of expensive legislation on our desks.

Mr. WEICKER. I thank the Senator.

Mr. GRIFFIN. Would it not be true, I ask the distinguished majority leader, that if we were to pass this legislation and send it over to the House, then we could be in the situation that the majority leader has just described, because both Houses do have to pass that adjournment resolution?

Mr. MANSFIELD. That is correct, but if we passed it and went out, which we never do, then the House would have to take what they were given, as we were given by the House some 16 years ago.

Mr. GRIFFIN. Earlier, when the majority leader presented the resolution, I put in a quorum call because I wanted to send for the minority leader and let him know that the Senator was calling this up. If he cannot come to the floor, I take it from the statement of the majority leader that he would consult with the minority leader before he would take it from the desk and consider it.

Mr. MANSFIELD. Oh, yes, indeed.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

AUTHORIZATION FOR APPEARANCE OF WITNESS

Mr. MANSFIELD. Mr. President, I send to the desk a resolution with the concurrence of the distinguished Senator from Pennsylvania, the Republican leader, and me. This is a matter which was discussed at the Democratic conference on Thursday last and which I believe was discussed likewise by the Republicans. I ask that it be read.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 336) to authorize James Estep, Senate Computer Center, and Harold W. Needham, Superintendent, Senate Service Department, to appear as witnesses in the case of Common Cause, et al. v. Benjamin Ballar, et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I want at this time to bring to the attention of the Members of the Senate the legal proceeding brought by Common Cause to have the court declare the franking statute unconstitutional on its face because according to Common Cause it disadvantages challengers to incumbents seeking reelection to Congress, uses taxpayers' dollars for a non-public purpose and discriminates against other users of the mails.

For discovery and evidence purposes in this case, Common Cause has subpoenaed Senate records, including:

First. The complaints with respect to violations of the frank received by the Select Committee on Standards and Conduct and their disposition, advisory opinions given by the committee and its staff—both written and oral—and interpretive memorandums prepared for committee use, as well as testimony concerning matters conducted by the committee in executive session;

Second. Senate Computer Center records including the User's Guide and computer programs which show how names and addresses of franked mail recipients are developed, how those names are categorized, and the groupings into which the names can be separated, work orders for address labels and records which disclose the number of franked mail labels printed for the use of each Senator, the categories of names maintained on the Senate computer by each Senator, the number of names in each category, the code designation for each category; and

Third. Senate Service Department records of the number of franked mail pieces sent by each Senator, work orders from each Senator reflecting the number of newsletters printed and copies of all newsletters printed.

Common Cause contends that the frank is used for mass mail material that is political in nature and for particular mailings that it says are targeted to special interest groups very much like campaign literature is. Common Cause has told the court that the Senate documents it seeks will show that what it has discovered so far is a very widespread practice.

A three-judge court found that the documents were relevant to Common Cause's case, rejected the Senate and House claims of privilege, and ordered that the documents must be produced with the identity of individual Senators not disclosed as far as it is possible to achieve this result without unduly hampering the full and expeditious processing of the lawsuit.

We have given consideration to the alternative courses of action the Senate

might take at this time with respect to these legal proceedings and the court order granting the discovery sought by the Common Cause subpoenas. Basically we have three alternatives. One is to comply with the demands of the subpoenas pursuant to the court's order. A second is a contempt proceeding against the Senate documents and testify as demanded. The third is to attempt to achieve a compromise with Common Cause. In deciding which alternative to adopt we are guided by the following considerations.

The facilities of the Senate Service Department and Senate Computer Center are utilized by the Senate, its Members and committees for many types of official business, including information on the status of legislation, internal administrative records, information retrieval systems for individual Senate offices, and the printing and addressing of questionnaires, newsletters, and reports sent out by Senators and Senate committees.

In no case are Members of the Senate or Senate committees authorized to use these Senate facilities for political or personal purposes and Members of the Senate and Senate employees are subject to disciplinary proceedings with respect to such unauthorized use of these facilities. For these reasons, the Senate originally asserted its constitutional privileges with respect to the Senate records subpoenaed by the plaintiffs in this litigation and also its objection to any attempt to obtain such records by subpoenas requiring that these documents be produced by Senate employees contrary to the express order of the Senate as set forth in Senate Resolutions 423 and 431, adopted by the Senate on October 9, 1974, and October 11, 1974, respectively.

In administering the use of these and other Senate facilities and services, the primary criterion is the size of the population of the State of the Member, although under the rules, regulations, and practices of the Senate Members from smaller States may make a proportionately greater use of such facilities than Members from larger States. A review of records reflecting the use of these Senate units indicates that 93 percent of the Senate mailed less than two pieces of mail under frank per voting age constituent during the general election year 1974 according to the records of these units. The seven Members of the Senate who sent out two or more mailings per voting age constituent in 1974 were from States which fall in the lowest population category.

Furthermore, 82 Members of the Senate sent out less than one piece of mail per voting age constituent under the frank in 1974, according to these records. In comparing 1974 election year mailings to 1973 mailings, the average increase in number of pieces of mail was 31.6 percent for candidates and 60.4 percent for non-candidates, according to data computed by the Senate computer. The Senate records also show that of the six Senators mailing the largest volume of franked mail, two were candidates for reelection and defeated, and the mailings of the